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STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES
AND CONSERVATION
DIVISION OF FORESTRY
HAZARD REDUCTION
AND MANAGEMENT GUIDELINES

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HAZARD REDUCTION AND MANAGEMENT GUIDELINES

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INTRODUCTION

This manual will try to provide the necessary information as a guideline for the administration of the Hazard Reduction or Management Program. It is based upon the Hazard Reduction or Management Law, the Rules and Regulations pursuant to the law, and several years combined experience of Cooperative Forest Management and Hazard Reduction Foresters.

Accounting procedures are those presently being used and are provided in this manual to give field personnel more complete understanding of the total hazard reduction program. This will, in turn, result in better hazard reduction work on-the-ground and hopefully provide for better cooperation with forest product operators in Montana. The manual is a guide for most cases under the law, however, the forester may have to make his own decisions in out-of-the ordinary situations.

The format of this manual is chronological starting with the law itself, and following along a logical path of events which normally occur in administration of the program.

The manual, being in a loose leaf binder, is flexible enough to reflect the changes that may occur in the law and its administration. Any suggestions to improve its content are welcome.

MONTANA FIRE HAZARD REDUCTION OR MANAGEMENT LAW

Section 28-403.1 through 28-408, 28-410 through 28-413, Revised Codes of Montana, 1947

28.403.1 DEFINITIONS. As used in this chapter: (1) "Department" means the department of natural resources and conservation, provided for in Title 82A, chapter 15. (2) "Board" means the board of natural resources and conservation, provided for in section 82A-1509. (3) "Person" means an individual, association, partnership, corporation, estate, or any other entity.

28-404. REDUCTION OR MANAGEMENT OF FIRE HAZARD CREATED BY CUTTING TIMBER. Before cutting any forest product or conducting timber stand improvement such as, but not limited to, thinning, weeding, or pruning, upon private lands within the state the person conducting such practice shall provide for the reduction or management of the fire hazard to be created by entering into a fire hazard reduction agreement with the department and by posting a bond to the state in such form and for such amount as may be prescribed by the department, conditioned upon full and faithful compliance with all requirements under this chapter and the faithful reduction or management of the fire hazard in the manner prescribed by law and by rules adopted by the board. The bond shall be released upon completion of the work done in compliance with the terms of the agreement.

28-405. REDUCTION OF SLASH AND FOREST DEBRIS ALONG RIGHT OF WAY. (1) A person clearing right of way for any railroad, public highway, public trail, private road, trail, ditch, dyke, pipeline or wire lines, or any other transmission or transportation utility right of way, except temporary roads located within the boundaries of the cutting area and which are used in the actual logging operations, shall REDUCE the hazard resulting from the clearing or from the cutting of material for the construction of the public or private utility unless exempted by the department. At least ten (10) days before commencement of the clearing, the person conducting the clearing shall notify the department of commencement of the clearing in the form and manner the department provides. (2) Hazard reduction, including burning where this method of disposal is used, shall be done as rapidly as cutting or clearing progresses; however, upon application to the department it may grant a permit extending the time within which the burning must be done in compliance with this chapter, and chapter 1 of this title relating to burning permits during the closed season. (3) This section applies to all clearing of rights of way across private land and on behalf of the state, county, highway districts, and road districts, whether the work is made by the proper officials conducting, directing, or letting the work for withholding until it is complete, a sufficient portion of the payment therefor to assure compliance with this chapter. (4) In addition to the penalty provided in section 28-413, the offender may be enjoined, at the instance of the department from proceeding with the work until this section has been complied with; and, upon application of the department to any court of competent jurisdiction, a writ of mandate shall issue compelling the offender to fully comply with this section.

28-406. PURCHASER WILL INSURE COMPLIANCE, PRIOR TO PURCHASE, WILL TRANSMIT WITHHELD MONEY TO DEPARTMENT. The initial purchaser of forest products which have been cut or are about to be cut from any private lands within the state shall, before making the purchase or contract to purchase, determine that the person engaged, or about to engage, in the cutting of these forest products, has provided for the reduction or management of the fire hazard thus created, as provided in this chapter. When the hazard reduction agreement provides that the purchaser of forest products shall withhold moneys to insure faithful compliance with this chapter, the purchaser shall transmit all moneys which are withheld to the department on or before the fifteenth (15th) day of each month, clearly identifying by number or other appropriate means the hazard reduction agreement to which the WITHHELD moneys pertain. The purchaser shall keep accurate records of the purchase and the amounts WITHHELD, which may be inspected by the DEPARTMENT at any reasonable time. UPON THE DEPARTMENT MAKING THE DETERMINATION THAT FAITHFUL COMPLIANCE WITH THIS CHAPTER HAS BEEN ACHIEVED, THE DEPARTMENT SHALL RETURN TO THE OWNER THEREOF ALL SUCH WITHHELD MONEYS WITH THE EXCEPTION OF TWO PERCENT (2%) FOR INSPECTION FEES.

28-407. DISPOSAL OF SLASH--INJUNCTION AGAINST FURTHER CUTTING--DISPOSAL AT EXPENSE OF OWNER--LIEN AND ENFORCEMENT--ORDERS. (1) If a person fails, refuses, or neglects to properly dispose of slash in accordance with the requirements of section 28-404 and 28-406, and is engaged or is about to engage, either for himself or for another, in cutting timber or other forest products, and thereby creates a fire hazard he may be enjoined from cutting the timber until sections 28-404 and 28-406 have been complied with. The department may initiate the proceedings, and the court may in its discretion grant a temporary injunction. The proceedings

shall be conducted in the district court of the county where the land is located. (2) If a person fails to comply with sections 28-404 and 28-406, and has cut any forest products and fails to comply within thirty (30) days after being notified to do so by the department, the department may complete, direct, or authorize the disposal of the slash at the expense of the owner of the timber or other forest products cut or produced from the land upon which the fire hazard remains undisposed of. (3) The cost and expense of the disposal, plus twenty percent (20%) of the cost and expense of the disposal as a penalty, constitutes a lien upon the forest products so cut or produced from the land. If payment of the sum demanded is not made to the department within ten (10) days of its written demand, the department shall bring legal action on behalf of the state to recover the debt. (4) The department shall not file for record any lien against the property of any person who has been issued a certification of compliance with sections 28-404 and 28-406, covering the property.

28-408. SUPERVISION BY DEPARTMENT RULES OF BOARD. (1) The department, under such rules as the board adopts, may supervise and inspect the reduction or management of any fire hazard created by the cutting of any forest product on private land in the state. (2) The reduction or management of fire hazards referred to in this chapter shall be in keeping with modern and progressive forest practices and more effective fire control and may include but are not limited to the taking of protective measures to prevent injury or the destruction of forest resources without actual abatement of the hazard.

28-410. CONTRACTS WITH OWNERS OF FOREST LANDS. The department may, in such form and containing such conditions as it prescribes, enter into agreements with the owners of any forest lands or any operator engaged in operations on lands within the state whereby slash is created, UNDER THE contract the department may assume all responsibility for the reduction or management of any fire hazard. The department may provide in the agreement the amount to be paid by the owner or operator to the department by reason of its agreement to assume the reduction or management of the fire hazard, but the amount may not exceed five dollars (\$5) for each one thousand (1000) feet log scale, or the equivalent thereof if forest products other than logs are cut.

28-411. METHODS OF REDUCING HAZARDS--CONTRACTS WITH FOREST PROTECTIVE AGENCIES. The reduction or management of such fire hazards shall be carried on by the department and the state firewardens in keeping with modern and progressive forest practices and more effective fire control and the department is hereby authorized to enter into contracts with forest protective agencies, including agencies of the United States of America, for the reduction or management of such fire hazards when in its opinion the work can best be accomplished in that manner. The department, state firewardens, and recognized forest protective agencies, including any agency of the United States of America, with which the department has entered into an agreement for the reduction or management of any fire hazard as herein provided, and any officer or official of such agency, shall not be liable for any damage to the land, product, improvement, or other things of value of whatsoever nature upon the lands on which the fire hazards are being managed or reduced in accordance with provisions of sections 28-408 to 28-412, when all requisite care and caution has been used and such work is being or has been performed in compliance with the rules provided in section 28-408.

28-412. CERTIFICATION OF CLEARANCE. A person who has entered into a contract with the department for the reduction or management of any fire hazard, upon payment of the contract price in accordance with the terms of the contract and the full compliance with the terms of the contract by the person, shall be granted a certification of clearance by the department and the person shall be relieved of any and all further liability and responsibility for the removal or reduction of the fire hazard; however, the department may require that a cash bond, equivalent to the contract price, and conditioned upon the faithful performance of the contract, be deposited by the person with the department.

28-413. VIOLATIONS. A person convicted of violating this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000).

-End-

Sub-Chapter 2

State Forest Management

36-2.10B(2)-S1020 INFORMATION PERTAINING TO THE MONTANA
"FIRE HAZARD REDUCTION OR MANAGEMENT LAW" (HEREBY REPEALED)
(History: Sec. 28-408, R.C.M. 1947; Order MAC No. 36-3-1;
Adp. August 1959, Eff. 12/31/72, REP MAC Not. No. 36-3-10;
Order MAC No. 36-3-9; Adp. 9/25/75; Eff. 11/5/75; PRIOR p.
36-25.)

36-2.10B(2)-S1030 METHODS OF SLASH DISPOSAL TO COMPLY
WITH THE STATE SLASH LAW (HEREBY REPEALED) (History: Sec.
28-408, R.C.M. 1947; Order MAC No. 36-1; Adp. August, 1959;
Eff. 12/31/72; REP MAC Not. No. 36-3-10; Order MAC No. 36-3-
9; Adp. 9/25/75; Eff. 11/5/75; PRIOR p. 36-25-27.)

36-2.10B(2)-S1040 PURPOSE OF FIRE HAZARD REDUCTION OR
MANAGEMENT LAW AND THIS SUB-CHAPTER (1) The primary objectives
of the fire hazard reduction or management law (Section 28-
403.1 et seq., R.C.M. 1947) are to:

(a) Provide fire hazard reduction, protection or
management to the extent necessary for reasonable safety of
the residual timber stand, future stands, and the property
of others, and to reduce the fire hazard created by the
cutting of forest products, clearing right-of-way or conduct-
ing timber stand improvement upon private forest lands, by
methods found to be economical and yet accomplish the object-
ives.

(b) Manage slash hazards with the entire forest manage-
ment picture in mind.

(2) The purpose of this sub-chapter is to set forth
rules implementing the fire hazard reduction or management
law under the objectives stated above. (History; Sec. 28-
408, R.C.M. 1947; NEW MAC Not. No. 36-3-10; Order MAC No.
36-3-9; Adp. 9/25/75; Eff. 11/5/75.)

36-2.10B(2)-S1050 DEFINITIONS (1) Unless the context
clearly requires otherwise, as used in the fire hazard re-
duction or management law, this sub-chapter, and the forms
and procedures adopted hereunder:

(a) "Department" means the Department of Natural
Resources and Conservation.

(b) "Division" means the Division of Forestry of the
Department.

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(c) "Person" means an individual, association, partnership, corporation, estate or any other entity.

(d) "Slash" means tree tops, limbs, and down trees remaining on a timber cutting, right-of-way clearing, thinning or pruning operation.

(e) "Landowner" means any person owning land within the state where forest products are or have been removed and a fire hazard has been or will be created.

(f) "Operator" means any person who cuts for commercial purposes any forest products on private forest land within the state including right-of-way clearing, thinning, or pruning operations.

(g) "Purchaser" means any person who purchases or contracts to purchase any forest products cut from private forest land within the state. The term includes persons purchasing cants, studs, cross ties, or other products manufactured on the cutting area.

(h) "Timber owner" means any person purchasing stumpage from any private forest land in the state or holding title to the stumpage.

(i) "Fire hazard reduction agreement" means the agreement made to insure compliance with the fire hazard and management law for the orderly and efficient reduction of the fire hazard created (Form 1023).

(j) "Fire hazard reduction agreement (state do)" means the agreement in which the Department assumes the responsibility to reduce, dispose, manage or protect the fire hazard created by timber cutting operations (Form 1037).

(k) "Certification of clearance" means a certification issued by the Department when the fire hazard has been reduced in accordance with the law and this sub-chapter.

(l) "Slash hazard" means sufficient slash and debris resulting from timber cutting, timber stand improvement, or right-of-way clearing operations, which produces a cover of flammable material in which fire could spread through a cutting or the adjacent area.

(m) "Management of fire hazard" means the constructing of roads and skid trails to mineral soil inside the logging area the connecting them to a fireline around the perimeter. This method can be used with, or in lieu of, other slash treatment. Burning may or may not be necessary.

(n) "Protection of fire hazard" means taking protective measures without actual abatement of the hazard, by turning the slash deposits over to the appropriate fire protection agency. This practice is generally used where the Department has taken over the hazard reduction responsibility but it is not feasible for the Department to do the hazard reduction work or the landowner does not want burning to be done on his land or in areas where burning will extensively damage stands of young growth timber. (History: Sec. 28-408, R.C.M. 1947, NEW MAC Not. No. 36-3-10; Order MAC No. 36-3-9; Adp. 9/25/75; Eff. 11/5/75.)

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36-2.10B(2)-S1060 HAZARD REDUCTION OR MANAGEMENT RULES

(1) As required by Section 28-404, R.C.M. 1947, any person, prior to cutting a forest product or conducting timber stand improvement, shall enter into a fire hazard reduction agreement with the Department (The agreement entered into with the Department shall be made under Form 1023, Form 1037, or such other agreement as the Department provides, and may be made upon application on Form 1038.)

(2) Slash hazard reduction or management shall be completed reasonably concurrent with timber cutting and timber stand improvement operations, and may not exceed a period greater than eighteen (18) months after these operations have been completed in the immediate area. Slash hazard reduction or management shall be done under commonly acceptable methods of treatment approved by the Department.

(3) In lieu of the reduction or management of the slash hazard the protection of fire hazard method may be used upon agreement with the Department in appropriate cases.

(4) If an operator does not perform the hazard reduction responsibilities as prescribed in the fire hazard reduction agreement within the eighteen (18) months' time limit, the Department, after thirty (30) days notice may reduce or manage the hazard or turn the deposit over to the appropriate agency for protection in lieu of reduction or management.

(5) The Department shall enter into a fire hazard reduction agreement (state do) only when it is to the Department's advantage to do so.

(6) A letter of certification of clearance shall be issued by the Department when the hazard has been reduced in accordance with the hazard reduction law and this sub-chapter. (History: Sec. 28-408, R.C.M. 1947; NEW MAC Not. No. 36-3-10; Order MAC No. 36-3-9; Adp. 9/25/75; Eff. 11/5/75.)

36-2.10B(2)-S1070 CLEARING RIGHTS-OF-WAY (1) Any person clearing right-of-way on private forest lands that are not included in a fire hazard reduction agreement shall notify the Department not less than (10) days prior to commencing clearing operations. (Form 1041 may be used for this purpose). Reduction of the fire hazard created by such operations shall be concurrent with the clearing operation. (History: Sec. 28-408, R.C.M. 1947; NEW MAC Not. No. 36-3-1; Order MAC No. 36-3-9; Adp. 9/25/75; Eff. 11/5/75.)

36-2.10B(2)-S1080 FORMS (1) The forms hereinafter listed shall be used in the administration of these rules as herein directed:

- (a) Form 1023 Hazard Reduction Agreement
- (b) Form 1037 Hazard Reduction Agreement (State Do)
- (c) Form 1038 Hazard Reduction Agreement Application
- (d) Form 1006 Hazard Reduction Fact Sheet
- (e) Form 1039 Purchaser Withholding Report
- (f) Form 1041 Right-of-Way Clearing Notice
- (g) Form 1024 Certification of Clearance Letter
- (h) Form 1042 Certification of Compliance Affidavit
(by operator)
- (i) Form 1043 Hazard Reduction Agreement Assignment
(owner-operator)
- (j) Form 1044 Purchaser Non-Compliance Notification
- (k) Form 1045 Eighteen (18) Month Notice
- (2) The above forms are available at the Division's
offices. (History: Sec. 28-408, R.C.M. 1947; NEW MAC Not.
No. 36-3-10; Order MAC No. 36-3-9; Adp. 9/25/75; Eff. 11/5/75.)

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

Forestry Division

HAZARD REDUCTION FACT SHEET

APPLICABLE TO ALL TREE CUTTING OPERATIONS ON PRIVATE FORESTED LANDS WITHIN MONTANA

The Department of Natural Resources and Conservation, under rules established by the Board of Natural Resources and Conservation, is charged with the administration and enforcement of the Fire Hazard Reduction or Management Law. This Fact Sheet is distributed to holders of Hazard Reduction Agreements to provide a better understanding of the need for slash hazard reduction, to describe various methods of slash treatment, and to encourage current and orderly hazard reduction during logging operations.

The primary objectives of the Fire Hazard Reduction or Management Law (Sections 28-403.1 et seq., RCM 1947) are to:

- Provide fire hazard reduction, protection, or management to the extent necessary for reasonable safety of the residual timber stands and the property of others.

- Reduce the fire hazard created by cutting forest products, clearing right-of-way, or conducting timber stand improvement upon private forest lands, by methods found to be economical and yet to accomplish the objectives.

- Manage slash hazards with the entire forest management picture in mind.

REASONS FOR HAZARD REDUCTION OR MANAGEMENT

Fire spreads more rapidly in slash areas and is more difficult and expensive to control than in unlogged areas. Accumulation of logging slash has been a major factor contributing to the size of most large fires in the last 65 years, including the catastrophic 1910 burn, the 1926 and 1929 conflagrations, and the large fires in northern Idaho and western Montana during the 1967 fire season.

Normally, large logging operations contribute the highest potential danger of the spread of fire; however, equally as serious is the accumulation of slash on small cutting areas

which lie adjacent to one another. It is, therefore, extremely important that logging slash be treated on areas of all sizes concurrently with logging or as soon thereafter as feasible.

Logging may also increase the possibility of damage to residual stands by providing breeding places for tree-killing insects. By selecting the proper time for slash disposal in combination with various logging methods, both the fire danger problem and the insect damage problem can be effectively handled.

GENERAL CONSIDERATIONS

The Board of Natural Resources and Conservation has ruled that slash treatment is to be accomplished reasonably concurrent with cutting, but must be completed within a period no longer than 18 months after cutting has been concluded in the immediate area.

The amount of hazard reduction accomplished and the method used depend upon the bond which has been deposited for this purpose. This bond does not provide for 100% disposal of all slash in the logging area, nor is it intended that it should. The amount of hazard reduction accomplished by the landowner or logging operator is also dependent upon the amount of the bond deposited. The more complete the hazard reduction job, the more easily wildfire can be controlled. The landowner can, depending upon his objectives, dispose of or require the logging operator to dispose of more slash than required by law.

The slash hazard is most effectively and economically reduced during the logging operation. For example, sawyers could trim and scatter the limbs of trees felled during cutting operations. Trees could be treelength skidded to landings, which would concentrate the slash and provide easy access for burning. Dozers on the logging operations could clear skid trails and roads to mineral soil, construct firelines providing the necessary fire guards for broadcast burning or slash management, and skid cull trees to open sunlight to destroy bark beetle breeding grounds.

It is to your advantage to do this work concurrently with logging operations. After you have notified us that the hazard reduction is completed, we will inspect your work and refund your deposit, less inspection fees, as soon as possible.

Violation of Montana's FIRE HAZARD REDUCTION OR MANAGEMENT LAW or of any regulations promulgated by the Montana Board of Natural Resources and Conservation under authority of Sections 28-403.1 through 28-408 and Sections 28-410 through 28-413, Revised Codes of Montana 1947 is an offense punishable by fine or injunction.

CAUTION: A BURNING PERMIT FROM THE RESPONSIBLE FIRE PROTECTION AGENCY IS REQUIRED FOR BURNING DURING THE CLOSED FIRE SEASON (FROM MAY 1 THROUGH SEPTEMBER 30). A POLLUTION PERMIT FROM THE COUNTY AIR QUALITY CONTROL OFFICER MAY ALSO BE REQUIRED.

DEFINITIONS

THE FOLLOWING DEFINITIONS ARE USED IN THE ADMINISTRATION OF THE FIRE HAZARD REDUCTION OR MANAGEMENT LAW:

(a) "Department" means the Department of Natural Resources and Conservation.

(b) "Division" means the Division of Forestry of the Department.

(c) "Person" means an individual, association, partnership, corporation, estate, or any other entity.

(d) "Slash" means tree tops, limbs, and down trees remaining on a timber cutting, right-of-way clearing, thinning, or pruning operation.

(e) "Landowner" means any person owning land within the State where forest products have been or are being removed and a fire hazard has been or will be created.

(f) "Operator" means any person who cuts for commercial purposes any forest products on private forest land within the State including right-of-way clearing, thinning, or pruning operations.

(g) "Purchaser" means any person who purchases or contracts to purchase any forest products cut from private forest land within the State. The term includes persons purchasing cants, studs, cross ties,

or other products manufactured on the cutting area.

(h) "Timber owner" means any person purchasing stumpage from any private forest land in the State or holding title to the stumpage.

(i) "Fire Hazard Reduction Agreement" means the agreement made to ensure compliance with the Fire Hazard Reduction or Management Law for the orderly and efficient reduction of the fire hazard created. (Form 1023)

(j) "Fire Hazard Reduction Agreement (State-Do)" means the agreement in which the Department assumes the responsibility to reduce, dispose, manage, or protect the fire hazard created by timber-cutting operations. (Form 1037)

(k) "Certification of Clearance" means a certification issued by the Department when the fire hazard has been reduced in accordance with the law.

(l) "Slash Hazard" means sufficient slash and debris, resulting from timber cutting, timber stand improvement, or right-of-way clearing operations, which produce a cover of flammable material in which fire could spread through a cutting or the adjacent area.

HAZARD REDUCTION METHODS

THE FOLLOWING METHODS COMPLY WITH THE STATE FIRE HAZARD REDUCTION OR MANAGEMENT LAW:

LOPPING AND SCATTERING: This method consists of trimming the branches from tops and cull trees and scattering them to promote decomposition and prevent the spread of fire. Dozers can "walk down" limbs from tops and cull trees with the same effect. This method should be employed in larch timber or where trees of other species are scattered. Burning is not necessary.

DOZER PILING: This method should be employed where heavy volumes of timber have been cut and the slash concentrations create an extreme fire hazard. Cull trees four inches and larger and long butts should also be piled in this operation to reduce the danger of bark beetle infestations. Dozer piles should be free of soil and burned when dry. During the closed fire season, piles can be burned only under permit, following special precautions prescribed by the protection agency.

BROADCAST BURNING: This method consists of burning out heavy concentrations of slash without dozer or hand piling. Provision should be made for adequate fire breaks within and around the perimeter of the cutting area. Broadcast burning should not be used where the slash is concentrated under standing timber. This method will effectively destroy the breeding habitat for tree-killing insects.

REDUCTION BY CHIPPERS: This method consists of putting slash and debris through a mechanical chipping machine which reduces the material into small chips and scatters them. Burning is not necessary if this method of disposal is used.

HAND PILING AND BURNING: This method consists of trimming the limbs from tops of trees and piling to provide a slash-free strip 50 to 100 feet wide along main roads and boundaries of the cutting area. A permit must be obtained to burn during the fire season.

MANAGEMENT OF FIRE HAZARD: This means the constructing of roads and skid trails to mineral soil inside the logging area and then connecting them to a fireline around the perimeter. This method can be used with, or in lieu of, other slash treatment. Burning may or may not be necessary.

PROTECTION OF FIRE HAZARD: This means taking protective measures without actual abatement of the hazard, by turning the slash deposits over to the appropriate fire protection agency. This practice is generally used where (a) the Department has taken over the hazard reduction responsibility, but it is not feasible for the Department to do the hazard reduction work, or (b) the landowner does not want burning to be done on his land or in areas where burning will extensively damage stands of young growth timber.



GOALS, OBJECTIVES & POLICIES OF THE
HAZARD REDUCTION OR MANAGEMENT PROGRAM

GOALS

The goal of the Hazard Reduction and Management Program is to assure that the fire hazard created by logging or other forest management operations is treated in such a manner as to reduce the fire hazard or to provide additional protection until the fire hazard is reduced to an acceptable level.

OBJECTIVES

To provide on a daily basis for the treatment or management of all slash created by logging or other forest management practices by the use of economical, ecologically and socially acceptable methods that are within the confines of available funding.

POLICIES

Protection of Existing Values --

Hazard reduction and/or management will be provided within funding limits in such a manner that the reasonable safety of the residual and future stands and to the property of others is assured.

Management Considerations --

Management of the fire hazard will be in accord with multiple use and environmental considerations.

Hazard Reduction and Fire Control Techniques --

Fire hazard reduction will be accomplished by using modern and progressive forest practices and effective fire control techniques.

SECTION I

ADMINISTRATIVE PROCEDURES

STAFF RESPONSIBILITIES:

The Division of Forestry has the primary responsibility for the administration of the Fire Hazard Reduction or Management Law.

The Supervisor, CFM Section has the responsibility for coordinating the administration of the program and enforcement of the law, thus carrying out the State's obligation. This includes insuring that hazard reduction projects are conducted in accordance with State Laws, Board of Natural Resources and Conservation Rules and Regulations, and Division policies; and maintaining uniform administration of all hazard reduction agreements.

The General Services Bureau is to provide the clerical services for maintaining slash records, processing Hazard Reduction Agreements, mill deposits, updating area slash records monthly and maintaining and providing other pertinent records and data necessary to the program.

AREA RESPONSIBILITIES:

The Area Supervisor is responsible for preparing and administering Hazard Reduction Agreements within his Area. He also administers the program through personnel training, law enforcement, delinquent collections and coordinating the completion of projects which fall in more than one Area. He is also responsible to insure that all slash projects are completed within the time specified by the law.

Area duties, stated herein while not necessarily the direct responsibility of the Area Supervisor, are stated as such for simplicity. Nothing herein is to be construed as restricting his prerogative of delegating the responsibilities, however, prime responsibility for the Area program remains with him.

It is the responsibility of the Area Supervisor to carry out the on-the-ground hazard reduction program. This includes hiring slash crews and dozers sufficient to accomplish the current "D" option projects or new State-do Agreements. The Area is also responsible to perform inspections on "A" options and "B" options as requested by holders of those agreements, and to make all reports required by this manual. The enforcement aspects of the law originates on the Area and all violations not handled at the Area level are to be reported to the CFM Section Supervisor, and hence, to the Division Administrator for recommendations. (Also see the Sections on Master Agreements and Law Enforcement).

The Hazard Reduction Agreement is to be used as a request for

technical assistance in CFM and should be treated the same as other CFM requests. The guidelines used for contacting landowners and operators should be similar to the CFM project contacts.

1

The Forester will prepare a Case History (Form CFM-1) for each landowner involved in a Hazard Reduction Agreement, and a map showing location of logging under this agreement should be filed in the CFM Cooperator File.

Advise the Area Supervisor and/or Supervisor, State Land Management Section, of new agreements adjacent to State Land so that the boundary lines may be located to avoid trespass.

Slash hazard reduction prescriptions on private lands should be aimed at reducing the chances of wildfire, protection of residual stand management of the forest land, erosion control, seedbed preparation and aesthetics.

1/ See CFM Manual

REPORT OF ACTIONS TAKEN

Most of the work done in the hazard reduction program is reported in monthly "Report of Actions Taken." Included are:

- a) Hazard Reduction Agreements issued.
- b) Hazard Reduction Agreements amended.
- c) Intermediate inspection.
- d) Enforcement actions.
- e) Hazard Reduction Agreement closed.
- f) Master Hazard Reduction Agreements inspected.

Master Hazard Reduction Agreements issued and closed will be reported by the CFM Supervisor.

As Hazard Reduction Agreement assistance is considered a CFM request the assistance may be reported under the CFM Reporting System. Check the CFM Manual for proper reporting procedures.

WHO MUST ENTER INTO A HAZARD REDUCTION AGREEMENT?

The first sentence of Section 28-404 of the Hazard Reduction or Management Law spells out who must enter into an agreement with the State.

Clearing of right-of-way requires a 10-day prior notice, but it does not require an agreement unless commercial forest products are removed from the right-of-way. Note, however, that the hazard reduction work must still be done concurrently with the clearing work. As the purchasing mill must be shown proof of compliance, i.e., the valid hazard reduction agreement, before they can purchase the logs, the agreement is then needed. This is not necessary, however, when the right-of-way is located within an area already covered by a valid Hazard Reduction Agreement.

Further study of the law itself will make it clear who does or does not require an agreement. Any questions should be directed to the Area Supervisor or if necessary, to the CFM Supervisor.

WHO SHOULD BE RESPONSIBLE FOR DOING THE WORK?

Generally, the logging contractor is the one who should be doing the hazard reduction work. He can do it as a normal part of his operation. However, there are times when the landowner or the purchasing mill should be assigned this responsibility. There are several cases where this may be true.

In the case of a sawmill with a sale contract with the landowner, the sawmill may be the best choice. Sawmills usually contract out to different logging contractors to get the logs in. If there are two or more loggers on one area, there may be some confusion as to who is to do the slash work. With the sawmill solely responsible, there is no question as to who will do it--the mill must see that it is done.

Another advantage is that of not having to change the agreement if a new logger is brought onto the area. It is also hard to get a logger back onto the area once he has left it for greener forests.

Other advantages are:

1. Ease of administration.
2. Limits options to one for the area in question.
3. Simplifies inspections and refunds.

There is one disadvantage:

1. It places the mill between the forester and the operator in trying to get the best job possible done on the ground.

Another method that provides the same advantage is to have the landowner accept the responsibilities. He then can make provisions for the work in his sale contract or do the work himself. This may result in a better job done on the ground as the landowner may have a different goal in mind with his hazard reduction work.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

DIVISION OF FORESTRY

APPLICATION FOR FIRE HAZARD REDUCTION AGREEMENT

NAME _____ DATE _____

ADDRESS _____
(STREET OR ROUTE) (BOX NO.) (CITY) (STATE) (ZIP)

TELEPHONE _____

LANDOWNER _____ COUNTY _____

ADDRESS _____
(STREET OR ROUTE) (BOX NO.) (CITY) (STATE) (ZIP)AGREEMENT TO COVER THE FOLLOWING DESCRIBED LAND DESCRIPTION:_____
(SUBDIVISION) (SECTION) (TOWNSHIP) (RANGE)

Date logging to start _____

Approximate amount to be harvested _____
(BOARD FEET OR OTHER)Kind of forest product to be harvested _____
(LOGS, POSTS, POLES, ETC.)

Products will be delivered to:

(PURCHASER) (ADDRESS) (CITY) (STATE) (ZIP)_____
(PURCHASER) (ADDRESS) (CITY) (STATE) (ZIP)_____
(PURCHASER) (ADDRESS) (CITY) (STATE) (ZIP)HAZARD REDUCTION WORK WILL BE
DONE BY: (CHECK ONE)

____ OWNER

____ OPERATOR

\$5.00 per thousand board feet or its
equivalent will be withheld by the
purchaser according to Section 28-406
and 28-410, R.C.M. 1947.

APPLICANT CAN BE CONTACTED: (Be specific regarding location, date and time)

Note: If this date or time is not convenient, another time may be arranged.
RETURN TO:

SIGNATURE OF APPLICANT _____

APPLICATION TAKEN BY _____

LOCATION _____

SECTION II
INSTRUCTIONS

A. APPLICATION FOR A HAZARD REDUCTION AGREEMENT:

This form may not be needed if a verbal request for an agreement is made personally and the forester is able to complete the agreement at that time. It is suggested to keep a supply of the forms near the telephone for such requests and also with you in the field to obtain the necessary information for an agreement to be written at a later date. The request for an agreement should be considered the same as a CFM request, except that a higher priority for service is applied. The "Application for Hazard Reduction Agreement" forms should be distributed in each area to sawmills, post and pole operators, logging contractors and USFS District Offices. If someone other than Division of Forestry personnel completes the application for an agreement, they should make sure that a copy is sent to the Division of Forestry Area Office for that area.

All spaces should be completed on the form. Make sure that the legal description is correct and that the time and place for a meeting to complete the Hazard Reduction Agreement and prescription is sufficient. If possible, try to arrange a meeting with both the landowner and the logger present to help prevent misunderstandings about what is to be done, who is going to do it, and who is going to pay for it.

B. HAZARD REDUCTION AGREEMENT:

The Hazard Reduction Law requires that any person creating a slash hazard must take appropriate action for the reduction or management of said hazard. Compliance by the owner/operator for treatment or management of the fuel may be made by entering into a hazard reduction agreement with the State and by complying with its provisions. Any qualified employee of the Division of Forestry may assist the operator in preparing the agreement, however, only authorized State Firewardens may sign the agreement.*

It is not necessary that both the logging contractor and timberowner be present at the time the hazard reduction prescription is prepared and the agreement is signed, but it does help alleviate misunderstandings before they occur.

This is also the time to explain the Hazard Reduction or Management Law, its intent and its limitations. Each item on the agreement should be discussed when there is any confusion. Remember, that the agreement is a legal and binding contract between the State and the owner/operator, and it should be completely understood before being signed.

Blank Hazard Reduction Agreements will not be issued to any outside individual, firm, or agency.

*Refer to item #27, in letter dated February 29, 1972, from Department Director the Division Administrator delegating authority to Area Supervisors, Unit Foresters, Firewardens, and Foresters.

STATE OF MONTANA
Department of Natural Resources and Conservation
Division of Forestry

Prot. Unit Sym. _____

Original to Division of Forestry
 Pink to Operator
 Yellow to Landowner
 Green to Timber Owner
 Goldenrod to Purchaser

FIRE HAZARD REDUCTION AGREEMENT

THIS AGREEMENT is entered into by _____, whose address

is _____ (CITY) _____ (STATE) _____ (ZIP),

hereinafter referred to as Operator, and the Department of Natural Resources and Conservation, Division of Forestry, hereinafter referred to as State, in compliance with Sections 23-403.1 through 23-408 and 28-410 through 28-413 R.C.M. 1947. This agreement shall apply to the following land only:

Subdivision _____ Section _____ Township _____ Range _____

Subdivision _____ Section _____ Township _____ Range _____

Land owned by _____ Address _____

Timber owned by _____ Address _____

Product to be cut _____ Approximate Amount _____

To be cut by _____ Address _____

Purchaser/s _____ Address _____

_____ Address _____

_____ Address _____

The Operator hereby agrees to provide for fire hazard reduction in accordance with the following hazard reduction option:

(INITIAL ONE)

A. _____ Forest products commercial or non-commercial—NO HAZARD CREATED.

The Operator attests that he will not cut an amount of timber sufficient to cause a fire hazard. Purchasers shall not withhold any monies for hazard reduction. If later investigation shows that a hazard has been created, the State will reduce or manage the hazard, and the Operator agrees to pay all such costs and expenses, plus 20% of such costs and expenses as a penalty.

B. _____ Forest products commercial or non-commercial—HAZARD CREATED.

The Operator will supply a cash bond to the State by having the above named purchasers withhold \$ _____ per thousand board feet, or the equivalent if forest products other than sawlogs are cut, for all forest products delivered to the purchasers. The purchasers will submit all monies withheld to the State on or before the fifteenth (15th) day of each month. The Operator will reduce or manage the hazard created reasonably concurrent with the logging, clearing or timber stand improvement operations, and may not exceed a period greater than eighteen (18) months after the operations have been completed in the immediate area. Disposal instruction on the back of this agreement are a part of this agreement, and the hazard will be reduced or managed by the Operator in accordance with said disposal instructions and Sections 28-114, 28-116 and 69-3904 to 69-4009 (and regulations thereto), R.C.M. 1947.* If the Operator fails to comply with this provision, the withheld monies shall revert to the State to provide necessary reduction, management or protection of the hazard. Upon completion of the hazard reduction or management work, the Operator will notify the State in writing, whereupon the State may inspect for satisfactory completion. Upon satisfactory completion, the State will make payment of withheld monies, less inspection fees to the Operator, and will issue a certification of compliance.

C. _____ FURTHERMORE, IT IS MUTUALLY AGREED THAT:

- (1) The Operator will notify the State, in writing, within thirty (30) days of any purchasers other than those designated above.
- (2) This agreement may be cancelled or revoked for failure to comply with any provision herein. Said notification will be in writing to the Operator, land owner, timber owner, and purchaser.
- (3) This agreement may not be assigned or amended except in writing with concurrence of the parties herein.
- (4) The Operator will retain the log delivery or payment slips for products hauled to the above named purchasers. These will be available for inspection by state firewardens.
- (5) This agreement applies only to cuttings on lands described above conducted within two (2) years of the date of this agreement. For subsequent cuttings a new agreement shall be written.
- (6) Should Section 28-410, R.C.M. 1947 be amended to change the fire hazard reduction or management fee, this agreement shall automatically incorporate said fee change as of the effective date of the amendment.

IN WITNESS WHEREOF, the parties hereto affixed their signatures this _____ day of _____, 19_____

* SEE HAZARD REDUCTION OR MANAGEMENT INSTRUCTIONS ON REVERSE SIDE

OPERATOR

 Administrator, Division of Forestry, or
 authorized firewarden

C. INSTRUCTIONS FOR COMPLETION OF THE HAZARD REDUCTION AGREEMENT

Starting at the top of the page and working down, the following instructions should provide sufficient information to do the job correctly. Any questions that arise can probably be answered by the Area Supervisor or the CFM Section Supervisor. Some of the definitions included here will be slightly different than found in the Fact Sheet and are used here only for purposes of completing the Agreement.

1. HAZARD REDUCTION AGREEMENT NUMBER:

This is the number assigned to each new agreement for a particular owner/operator on one piece of land. It is possible to have two operators under one agreement on the same area. It is also possible to have two agreements for the same area. In these cases, it is better to have the landowner or a purchasing mill take on the hazard reduction responsibilities to avoid confusion between the two operators. The mill or owner in turn can assign the hazard reduction work through their Timber Sale Contract, to whomever they want to do the work.

Agreement numbers are assigned to each area in blocks of 50-250 consecutive numbers. This allows the forester to assign agreement numbers in the field so that logging can start and mills can purchase the logs as required by the hazard reduction law. There are no delays and hopefully fewer pending accounts.* All correspondence pertaining to that project should include this number.

2. PROTECTION UNIT SYMBOL:

This is for our use in completing the Protection Agency Notification. See page 56.

3. NAME AND ADDRESS:

Name and address are self explanatory, however, the name of the person or company representative signing the agreement should be the same as the name or company at the top of the agreement. The agreement must be signed for the Administrator, Division of Forestry, only by an authorized Firewarden.

4. LEGAL DESCRIPTION:

One of the most important portions of the agreement is the legal description. The forester who fills out the initial agreement and writes the prescription may not be the same one who does an intermediate or completion inspection. For this

*Pending Accounts discussed on page 63

reason, an accurate legal description is necessary. In cases where a large area is involved, an attachment is recommended for complete and legible legal descriptions. If large volumes (in excess of 2 MMBF over large areas) are involved, the Master Hazard Reduction Agreement should be considered. Subdivisions smaller than 40 acres can be described generally by the legal description, but should be pinpointed on the location map on the reverse side of the agreement.

5. LANDOWNER:

This is the legal owner of the land covered by the legal description. Hopefully, the landowner or his representative will know the limits to his property. It is his responsibility, not the forester's, to be sure of his property boundary lines. If you are sure of an error based on past experience in the area or on accurate maps for the area, bring the matter to the owner's attention and make the necessary corrections.

6. TIMBER OWNER:

If the landowner and timber owner are the same, write "SAME" in the space provided. If different, put in the appropriate name and address.

7. VOLUME AND PRODUCT TO BE REMOVED:

For "B" options where the bond is to be withheld by the mill, the estimate of volume to be removed is important in writing the Hazard Reduction Prescription.

The product to be removed can be one or more of several allowed for in mill reports to the Division. They are:

TABLE I

<u>Product</u>	<u>Withholding Rate</u>
(a) Sawlogs	\$ 5.00/MBF
(b) Powerline & Telephone Poles	1¢/Lin.Ft. or \$5.00/MBF
(c) Houselogs, piling	1¢/Lin.Ft. or \$5.00/MBF
(d) Fence posts and poles	2¢ Each
(e) Cordwood or Pulpwood	\$ 2.50/Cord
(f) Railroad Crossties	20¢ Each

The product also determines the rate of bonding or withholding. Rates are included above to save space later, and they will be referred to later.

8. OPERATOR:

The operator is defined as the person or firm responsible for getting the slash work done, who is usually the logger or the landowner or sometimes the purchasing mill. The operator may

or may not be the logging contractor who will actually be cutting the trees, but his work will determine the hazard created or alleviated through proper logging operations. He is also the one to have present, if possible, when preparing the hazard reduction prescription. Be sure to get him involved at this time.

9. PURCHASER:

Having more than one purchaser of wood products cut from one area is common. Especially when different products bringing different prices are involved. It is best to include all purchasers that the seller will most likely deliver products to. It will save some paperwork later. Point out that if any new purchasers are added, that the operator must notify the Division of this addition as explained in item 1 of the "Furthermores" in the Agreement.

10. OPTION AND FEES REQUIRED:

There are only two options available for use under this agreement. The "B" option is used when commercial or non-commercial products are removed and a hazard will be created. The fee is paid by use of a bond for the total amount to be cut or by having the purchaser withhold the appropriate amount at the mill location.

The first option is the "A" option in which no hazard will be created. This option may be used for non-hazardous, non-commercial thinnings, right-of-way clearings, etc. However, as there will be no 2% inspection fees collected due to no withholding being made, it may be better to use a "B" option where volumes of 50 MBF or greater are removed.

As mentioned before, the fee required is based on the type of product removed. Refer to Table I, page 17. The amount stated there is the maximum under the law for that product. However, the owner/operator has the option to provide for a more complete hazard reduction job by requiring, through his contract, that more than the five dollars or its equivalent be withheld and later applied to the work done on the ground. (Any additional amounts deposited will not be subject to standard administration deductions, 2% inspection fee). The CFM Supervisor should be advised by memo of any increased withholdings. The purchasers should also be notified so that the correct amount is withheld at the mill.

Although the options available are understandable as written on the agreement, there may be some question as to just what type of an operation would qualify as an "A" option. Even though there is no hazard created, the operator must furnish evidence of compliance before a purchaser can buy his product. The agreement is evidence of this compliance. ("A" option agreements should be issued only when the cutting operation does not create a "slash hazard" as defined by the law, i.e.: "a cover of flammable material in which fire could spread.")

Examples of harvesting forest products with no hazard created are:

1. Scattered cottonwood or birch.
2. Scattered larch with a small percentage of other mixed conifers.
3. Dry or dead timber (pulpwood) where the needles have fallen off.
4. Low volumes per acre or very few trees harvested per acre.
5. Light slash well isolated by skid trails or roads.

Each Area is to be evaluated individually considering:

1. Cut per acre and how uniformly cut from the acreage.
2. Species and age of trees.
3. Slope and aspects.
4. Season of cut.
5. Roads and skid trails in operation.
6. Fuels in surrounding area.

The "A" option may be used where the timber removed is primarily dead or down with needles missing. The slash fee is to be paid on dead or down timber when removed in connection with the cutting of green timber where a hazard is created. ("B" option).

"A" and "B" option agreements may be issued on the same logging operation where dead material is decked and hauled separately from green material.

Another type of forest operation that requires a Hazard Reduction Agreement is thinning. Usually done under the Forestry Incentives or Agriculture Conservation Programs, thinning should be considered a hazard-creating situation and a "B" option agreement should be used. In the past, these practices were considered as non-hazardous as no commercial volume was removed, although in reality, quite a hazard does exist. Procedures for this agreement are identical with any other agreement. The prescription for hazard reduction on the area should be either pile and burn or lop and scatter as required by the practice specifications. See the CFM Manual for ACP, FIP administration. Due to improved utilization of small diameter materials there may be some commercial products removed. This will be indicated on the periodic slash project cards. If the thinning is to be done as part of commercial operation, option "B" should be used.

Whichever option is used, have the operator initial the one selected to show that he in fact is aware of the option selected.

The reference to Sections 28-114 and 28-116 of the RCM pertain to burning permits. Section 69-3904 to 69-4009 pertain to the Montana Clean Air Act (9304-3923) and to Refuse Disposal Areas Laws (69-4001-69-4009). The sections on Burning Permits can be found in "Laws of Montana Relating to Forestry", 1970 (or "Laws of the Department of Natural Resources and Conservation), and the Clean Air Act can be found in the "Prescribed Fire/Air Quality Guidelines." The sections on disposal areas may be looked up in the Revised Codes of Montana, Second Replacement, Volume 4, Part I.

11. SIX POINTS:

The six items following the option chosen are to be read aloud to the owner/operator before the agreement is signed. Be sure that each section is understood. Following are some comments on each one for the forester's information which may be helpful in answering any questions about them.

1. Change in operators could cause some problems. The new operator must have a copy of the Hazard Reduction Agreement and prescription for that area. We must insure that the agreement is assigned to the new operator, if necessary.

New purchasers must be shown proof of compliance, and therefore, must have a copy of the agreement for their files. They need more than just a "Slash Number."

2. Self explanatory.
3. All parties may include the State, the owner/operator, the landowner and the timber owner. It must definitely include the State, the present owner/operator and the new party to the agreement in the case of assigning the agreement to a new party.
4. At times there are discrepancies between what the mills, in their slash withholding reports, say was delivered to them on a project and what the landowner says should be there. Retaining truck tickets will usually solve these discrepancies and resultant problems. Also, the 1975 Revision of the Slash Law, Section 28-406, requires mills to keep accurate records and allows us to examine them at any reasonable time.
5. The two-year limitations on the agreement causes us to make an inspection on-the-ground to see if the job is completed, needs an extension or if an agreement amendment is in order. Note that the new agreement is for subsequent cuttings. Be sure that there is no confusion between old and new. It is best to map the areas separately on the disposal instruction sheets.

6. Self explanatory.

12. SIGNING THE AGREEMENT:

The Hazard Reduction Agreement must be executed by the person or legal representative of the person certifying that he is entering into the Hazard Reduction Agreement. Note that the name at the top of the agreement must coincide with the signer, however, do not use the name of a company's representative on the top line. The Agreement may be signed for the Administrator, Division of Forestry, only by an authorized Firewarden.

NOTE: Carefully explain the new Agreement to the operator to insure his understanding.

In the event that a Hazard Reduction Agreement or Application for Agreement is improperly filled out or incomplete, contact the operator personally to obtain needed information.

Upon execution of the Agreement, pertinent information ^{1/} should be entered on the Hazard Reduction Agreement Report to maintain a numerical listing of all agreements. This is the same listing that will be sent to appropriate protection agencies.

1/ See Section on "Protection Agency Notification", page 54.

SECTION III

HAZARD REDUCTION OR MANAGEMENT INSTRUCTIONS

PRESCRIPTIONS:

Arrangement of the color coded copies of the Agreement form is so that the original of the front page (white) is for the State Office files. When reversing the carbons, arrange the copies of the instruction side so that the original instruction copy (owner/operator's copy--pink) goes to the owner/operator. This is to prevent the claim that the carbon instructions were too hard to read or illegible. Be sure that the original, (white copy), also has legible instructions and be sure that the Agreement number at the top coincides with the Agreement number on the front side. The same holds true for the legal description.

The map sheet is set up on a 4"/mile scale, but if necessary, the scale may be changed to fit other circumstances. Denote this change, if made. Use the map to delineate cutting areas, topographic features, roads, skid trails or anything you feel is necessary to get a good job of hazard reduction done and make inspections easier.

The legend is based on those symbols used in the "Guides to the Administration of State-Owned Forest Land." (Next page) Additions to the legend should be based on the guides also.

DISPOSAL INSTRUCTION MAP SYMBOLS

CORNER, FOUND	
CORNER, NOT FOUND	
RIVER (BLUE PENCIL)	
STREAM (BLUE PENCIL)	
INTERMITTENT STREAM	
SWAMP (BLUE OUTLINE)	
MAIN RIDGE	
SPUR RIDGE	
TIMBER SALE BOUNDARY	
PERCENT OF SLOPE	
COUNTY LINE	
THINNING	
SCARIFY	
ROCK OUTCROP OR CLIFF	
HIGHWAY STATE OR FEDERAL	
COUNTY OR FOREST HAUL ROAD	
PROPOSED ROAD	
HAND PILING	
DOZER PILING	
BURN	
BURNED	
DIRECT SEEDING	
PLANTATION	
OTHER	

HAZARD REDUCTION DISPOSAL INSTRUCTIONS

AGREEMENT NO.

I. LOCATION

Sec:

Twp:

Rge:

Scale: 4" = 1 mile

-legend-

— road

==== skid trail

~ stream

treatment



◇ section corner

North

II. HAZARD REDUCTION OR MANAGEMENT INSTRUCTIONS:

III. OTHER LAWS, RULES OR REGULATIONS THAT APPLY:

Firewarden

SECTION III

A. HAZARD REDUCTION INSTRUCTIONS:

The Hazard Reduction Instructions are the most important part of the Agreement. Instructions should be concise and to the point. Remember that the instructions are part of a legal contract and vague wording may not get the hazard reduction job done nor will it stand up in court if legal action is taken based on failure to comply.

Reduction instructions should be practical and should not require the owner/operator to exceed the \$5.00/MBF limitation unless provisions for additional work are made in the logging contract and increased withholdings are included in the agreement under the "B" options.

One or a combination of approved slash treatment methods should be indicated. The instructions should be detailed and specific as to location of work, method of treatments and extent of treatment. Refer the operator to the Hazard Reduction Fact Sheet for definition of terms and explanation of accepted reduction methods.

The following sections provide many relative factors and recommendations pertaining to preparing hazard reduction prescriptions. They are meant as a guide and may not cover all the situations one might encounter. Again, on-the-ground decisions should be based on each situation and are the forester's responsibility.

Remember that the prescription may become a work plan for State slash crews if the State takes over the job due to a default by the owner/operator.

The following is a checklist of items to be considered in preparing the fuel treatment prescription. This list is intended for use only as a guide and cannot supply all the information necessary to prescribe proper treatment.

1. Note the timber types, tree size, and volumes per acre involved.
2. What are the silvical requirements of the stand?
3. Estimate whether debris will be light, medium, or heavy. Map extreme hazards!
4. Determine all aspects of topography, such as percent slope, direction of slope, length of slope above logging, proximity to streams, visibility from highways, etc.
5. Note and map locations of roads, firelines, skid trails, other barriers, streams, ridges, etc.
6. What time of year will slash be treated? Will it be burned, chipped, rolled, etc.?

7. What burning weather conditions will be required? What are prevailing winds, erratic conditions caused by topography, etc.?
8. What equipment or manpower will be required? Will be available?
9. What is the daily capacity or daily cost of the equipment and/or manpower?
10. How much money (estimated) will be available to do the job?
11. What are the landowner's desires, fears, knowledge, experience, etc.?
12. What are the operator's capabilities? Do not prescribe work that he cannot or will not do!
13. Consider methods and requirements to facilitate treatment such as: two-stage logging, directional felling, skid road layout, tree length logging, yarding pulpwood and unmerchantable material.
14. Consider isolating areas of thinning or logging to avoid large areas of continuous slash.
15. What are the possibilities of increased utilization to decrease slash volumes?
16. Advise on logging techniques which will help do the slash job too.

B. PRESCRIPTION CONSIDERATIONS:

The following considerations according to the various resources involved, should be used to prepare adequate prescriptions. Of utmost importance in preparing the slash prescription is to assist the operator and forest owner in providing good management to the land. Consider:

1. Water Resource:

All activities should provide for the protection of the water resource. Slash not properly treated when adjacent to stream channels may have the following adverse results:

- a) Blocking of the stream by debris.
- b) Inducement of stream bank cutting.
- c) Inhibition of fish movement or productivity.

- d) Impairment of water quality, onsite and offsite.
- e) Reduction of aesthetic qualities.

Precautionary measures should include the following recommendations:

- a) Debris should not be placed in defined stream channels. Slash inadvertently placed therein should be removed.
- b) Avoid operation of equipment in or across defined stream channels.
- c) Slash piled for burning should not be in or immediately adjacent to a defined stream channel.
- d) Leave a vegetative buffer strip along defined stream channels for filtration, shade, and streambank protection. See Stream Bed Preservation Act, Rules and Regulations in Appendix, page 85.

2. Soil Resource:

The effect the proposed method of slash treatment has on soils should be a primary consideration in selecting and applying any slash prescription. The method of treatment must be evaluated in terms of "onsite" and "offsite" soil effects. All proposed activities should maintain the soil productivity potential by protecting it from:

- a) Compaction
- b) Surface erosion.
- c) Mass failure.
- d) Loss of soil nutrients.

If sufficient soils information on erosion hazards, etc., is not available or apparent, the advice of the Division Soil Scientist should be secured.

3. Aesthetic Resource:

The prescription can be tailor-made to protect or improve visual resource values.

Considerations--In the immediate foreground or high impact areas:

- a) Partially burned piles should not be left.
- b) Equipment should be operated in a careful manner to prevent unsightly scars.

- c) Scorch should be avoided. Scorched trees that indicate no chance of recovery should be cut down and slash treated.
- d) Areas of exposed soil should be seeded or planted with appropriate native plant species.
- e) Handpiling, chipping, or yarding of slash is recommended.
- f) Lopping may be satisfactory where cutting is limited to occasional trees.

Areas not visible because of topographic or vegetative screening or considerable distances should be treated as needed silviculturally.

4. Timber Resource:

The methods of treatment should be coordinated into a well-balanced prescription to fulfill the requirements for harvest, protection, regeneration, and future management of the stand.

5. Range Resource:

Treatment may allow for easy movement of animals or fuel rearrangement to make existing forage available and permit forage development.

Breaks in slash and debris accumulation along roads and trails to accommodate movement of animals should be provided.

6. Wildlife Resource:

Where wildlife habitat improvement is needed, disposal should be used sufficiently to allow for easy movement of animals. On key big game winter ranges, treatment should be planned to favor palatable browse production.

Consideration may be given to leaving sufficient soft snags in clearcut areas to provide habitat for nesting birds and mammals and perching sites for raptors. Additional slash disposal may be necessary at the base of these soft snags to reduce fire hazards from lightning strikes.

7. Recreation Resource:

Treatment can include 100 percent disposal if such treatment serves the primary use of recreation. In many cases, material could be cut into firewood lengths (this applies to existing or planned heavy-use areas such as campgrounds).

In any event, the impacts of residual slash and disposal methods must be adjusted in order to insure adequate protection of recreational values.

C. HARVEST METHOD CONSIDERATIONS:

The following are recommendations for use with various types of cutting. (See "Methods of Fuel Treatment"). Such methods, variations or combinations of treatment will depend on evaluation of all influencing factors.

a) Clearcutting:

Where topography, soil and silvicultural conditions permit the use of machinery:

- (1) Machine pile and burn when conditions will insure effective disposal and maximum control.
- (2) Broadcast burn when conditions will insure effective disposal, maximum control and good smoke dispersal.
- (3) Change fuel arrangement by mechanical means such as discing, rolling and crushing, chopping, and/or yarding of unmerchantable and pulpable material.
- (4) Isolate and breakup continuous blocks of slash by using internal and external firebreaks.
- (5) Provide supplemental protection.

b) Clearcutting where topography, soil or silvicultural conditions preclude the use of machinery:

- (1) In areas of light fuels or areas where fuel removal would cause undue exposure of soils into steep slopes, no treatment.
- (2) Broadcast burn when conditions will insure effective disposal and maximum control.
- (3) Jackpot (spot) burn or burn slash concentrations when conditions will insure effective disposal and maximum control.
- (4) Isolate and breakup continuous blocks of fuel by the construction of internal and external firebreaks. The size, length, and extent of these breaks should be minimized.
- (5) Supplemental protection.

c) Partial Cutting:

- (1) Changing fuel arrangement by mechanical means.
- (2) Machine pile and burn when conditions will insure effective disposal and maximum control.
- (3) Handpile and burn as above.
- (4) Jackpot burn as above.
- (5) Lop light, scattered slash.
- (6) Tree length skidding and yard unmerchantable material with disposal at landing.
- (7) Isolate and breakup fuel with firebreaks.
- (8) Supplemental protection.

d) Landings and roads should be cleared of all slash:

Slash accumulations should be piled for burning, chipped or possibly buried. In general, landing slash should be treated so the end result is the same as that specified for the road where the landing is located.

D. METHODS OF FUEL TREATMENT:

The following is a list of acceptable slash treatment methods that may be used to comply with the Hazard Reduction and Management Law. The method to employ will vary with timber types, season of logging, cutting practices, soil types, size of areas, risk, fuels, topography, availability of protection funds, environmental protection and forest management. All methods are part of the Rules and Regulations under the Slash Law "Hazard Reduction Fact Sheet", page 8.

1. Non-Burning Methods:

(a) No Treatment:

This is an acceptable method on some projects (or on portions of some projects). It is applicable in instances where fuel volumes are low and natural decomposition is acceptable and the fuels will decompose naturally. No treatment may be especially applicable where logging has occurred on steep slopes with fragile soils.

(b) Lopping and/or Scattering:

Under this method branches are cut from the felled trees regardless of merchantability, and

scattered to decompose by natural means to lessen the fire hazard. A secondary value of lopped slash is to help check sheet erosion and protect seedlings. The material can be placed on skid trails and ditches to prevent gully erosion.

The choice of lopping and scattering as a hazard reduction measure may be determined by species, density of slash, and the length of time that the branches retain their needles. Slash that loses its needles the first year after logging is much less hazardous the following fire season than slash that will retain its needles during that time.

If the lopping can be done by the sawyer when the trees are felled, there will be an immediate reduction in fire hazard.

Slash density will govern the use of this method of hazard reduction. If the density of the slash is high, this method of hazard reduction may not be suitable.

Generally, slash is simply lopped without scattering. Under this method, branches are cut from the felled trees and left in place. It is an acceptable method in some timber types, fuel, and climatic conditions. Its use is normally limited to light logging slash where there is a fairly heavy residual stand.

c) Dozer Walking:

This method consists of "walking down" the tops; thereby breaking off limbs, scattering the fine fuels and bringing the slash into contact with the ground to enhance decomposition. This is applicable to "bull pine" stands when tops are large, but slash is light and scattered.

Dozer walking will cost approximately \$5.00 to \$25.00 per acre depending on slash volumes, terrain, etc.

d) Chipping:

Consists of putting slash and debris through a mechanical chipping machine which reduces the material into small chips and scatters them throughout the area. Following are some advantages of hazard reduction by the use of the chipper:

- (1) Chipping reduces the overall volume of untreated slash.

- (2) Chipping is very effective in reducing slash flammability. Fires in chipped slash do not spread rapidly. The most rapid spread is only about one-third as fast as the slowest fires in lopped slash.
- (3) Chipping is a method of reduction that does not depend on the use of fire.
- (4) Chips are readily incorporated into organic soil. They may retard erosion when spread on skid trails, gullies, road cut and fill slopes, or other exposed areas. Chips may also be used as a mulch when seeding cut and fill slopes with grass.
- (5) Chipping can be done during any season. Therefore, even a temporary hazard of slash accumulation is avoided. This method is best employed on high use areas such as campgrounds, rights-of-way, roadside brushing, etc.
- (6) Chipping tends toward complete disposal and is aesthetically pleasing.

Disadvantages of hazard reduction by use of the chipper are:

1. More expensive than other methods. Chipping costs will average \$150.00 to \$250.00 per acre.
2. Safety of chipper operator due to breaking planer knives and pieces and chunks being thrown back.
3. Production from the chipper is reduced when windfalls or steep slopes cause difficulty in moving the machine.
4. When the distance between the slash accumulation require an excessive amount of moving or carrying of slash to the machine, production is reduced and costs are increased. Optimum distance of moving slash to machine is 20 to 30 feet.

The following is a list of minimum safety and maintenance requirements applicable to Division of Forestry chipping operations and also to any chipper use.

1. Feeders will wear safety glasses or goggles at all times.
2. Feeders only will be allowed behind the machine.

3. A maximum of two men will feed the chipper.
4. Chunks of slash shorter than the feed bed will be cast aside on the ground rather than pushed into knives.
5. Maximum size of material will be four (4") inches, large end, without limbs. (Preferably 3 inches)
6. Spectators will not be allowed to be within line of sight of the chipper knives unless they are more than 25 feet away from the chipper.
7. Do not chop limbs at the feed bed of the chipper. Feeder should throw aside material that will not feed due to limbs.
8. Strips of rubber belting should be hung over the feed opening to prevent chips from flying back at operators.
9. Machine operators will be required to read and thoroughly understand Manual of Operations and Maintenance Instructions.
10. Maintenance will be performed regularly as provided for in the Operational Manual.
11. Knives will be honed daily.
12. Knives, bolts, bolt locking wedges and cutter head will be cleaned of resin and dirt with steel wool or a wire brush and solvent and wiped dry when knives are changed.
13. Clean out bolt holes with solvent to make sure bolts seat properly.
14. Allenhead bolts on knife locking plates will be torqued down to 90 lbs. and rechecked at least twice.
15. Make sure tolerance on knives and bed plate are set according to tolerance stated in Operating Manual.

e) Burying:

Burying slash is a method of slash treatment in the reduction of the hazard in new road construction. Slash treated in this manner should be windrowed and completely buried. The windrowing should be done so that the slash is laid parallel to the road and compacted and placed in

the toe of the road fill. Compaction may be accomplished by driving a dozer over the slash. Alternate mixing of slash and dirt is recommended. In some cases, small clearings adjacent to the right-of-way may be used rather than windrowing and burying slash on the entire right-of-way. The hazard of right-of-way slash pushed against residual timber is almost impossible to reduce. Every effort should be made to instruct the operator in the proper method of right-of-way burial.

Windrows and excessively steep fills along roads inhibit big game movement. Insure that periodic breaks in the barriers are provided.

While very expensive, burying of slash within logging areas may, at times, be applicable and necessary.

f) Fuelbreaks and Firebreaks:

Fuelbreaks and firebreaks are used to break up the continuity of hazardous fuels by modifying or removing the fuel on selected areas in strategic locations as a pre-attack plan for confining wildfire.

A fuelbreak is a strip or block of land on which the native vegetation has been modified by appropriate fuel treatment methods to a lighter or less dense fuel type so that fires burning to it can be more readily controlled. Fuelbreaks break the continuity of heavy or hazardous fuels, and provide pre-attack installations for use should initial attack on a fire be unsuccessful.

The minimum width required for fuelbreaks will vary with location, topography, and type and density of adjacent fuel; and may need periodic maintenance to remain effective.

A firebreak is a natural or constructed barrier utilized to stop or check the spread of fires that may occur. It provides a pre-planned control line from which all vegetation has been removed.

In lighter fuels, firebreaks alone usually are adequate for fire control needs. In heavy fuel types, they may be constructed within a fuelbreak in order to be effective. When firebreaks alone are used, snags and concentrations of fuel adjacent to them must also be treated.

Firebreaks should be maintained to keep them free of fuels, and to prevent erosion in steep terrain.

The construction and maintenance of firebreaks is a legitimate method of slash management which consists of the construction of 10-16 ft. wide firelines around the perimeter of logged areas, and/or the utilization of skid trails and logging roads inside the logging areas cleared to mineral soil, breaking the continuity of slash. Management could include connecting the skid trail and logging road system together to provide continuous firebreaks. This method can be used with or in lieu of various slash treatments.

Approximate accomplishments with firebreak treatment would be 40 to 80 chains per day costing approximately \$160 to \$240 per mile.

Firebreaks should contain water barriers to minimize soil erosion.

g) Protection in Lieu of Disposal:

It is sometimes possible and desirable to substitute a combination of supplemental protection and partial reduction in lieu of complete physical disposal of logging slash. This method should obtain the most protection for expenditures and meet the objectives of sound forest management or other land use.

The Hazard Reduction or Management Law is interpreted to mean that deposits held by the State for slash disposal or individual projects may be turned over to a fire protection agency recognized by the State for the purpose of providing extra or special fire protection to the cutting area. This protection may take the form of additional fire patrols, extra equipment, additional personnel, maintenance of access roads, repair and maintenance of fire equipment, etc.

Agencies recognized by the State to provide this fire protection are: U. S. Forest Service, Bureau of Indian Affairs (Flathead Agency), the Division of Forestry, and cooperating counties. Generally, protection is provided on those cutting areas within the fire protection agency boundary when:

- (1) The volume cut is so small it is not feasible to send in a crew.

- (2) The expenditure of the slash deposit using one of the approved methods would not reduce the hazard to a tolerable level.
- (3) The landowner or operator requests protection in lieu of disposal.
- (4) Deposits under option "B" are small and the operator fails to complete the agreement on time.

However, extreme caution must be exercised here, as protection in lieu of disposal creates a calculated risk that (1) a fire won't start, or (2) if it does, we'll catch it.

h) Increased Utilization:

More intensive utilization of timber products such as posts, poles, pulpwood, fuelwood, and small timber for stud mills will reduce the amount of fuel and alter its arrangement. Also, the effects of complete fiber removal from the site should be considered, especially as regards soil composition and its essential nutrients.

i) Other Methods of Reducing the Fire Hazard:

While not specifically approved by the State, are the mechanical methods including shredders, compactors, and masticators. These methods should be given consideration; the costs compared to the overall job needed on the site may be prohibitive.

2. Burning Methods:

The foregoing are non-burning methods of hazard reduction. The following lists those procedures dependent on the use of fire to attain their objectives. They are more fully described in the Prescribed Fire/Air Quality Guidelines and will not be discussed to any length here.

a) Handpiling and Burning:

This method consists of trimming the limbs and tops of trees and piling and burning them. It is best used to create a slash-free strip 50-100 feet wide along roads and boundaries of the cutting area. Handpiling costs are high so its use should be limited to these areas.

b) Progressive (Swamper) Burning:

This is a modification of handpile and burn and consists of felling, piling and burning all in one operation.

c) Machine Pile and Burn:

This method should be employed where heavy volumes of timber have been cut and the slash concentrations create an extreme fire hazard. Dozer piles must be clean and free of dirt.

Slash volume reduction approached 90% with dozer piling and cost estimates would range from \$15.00 to \$50.00 per acre depending on fuels and degree of scarification. Average costs approximate \$25.00 per acre.

Burning of completed dozer or handpiling work is desirable and should be encouraged. However, if the piling operations have created extensive fuel free areas or the landowner does not want burning, the failure to burn is not to be the criteria for delaying the refund. The State can and will retain sufficient funds from the deposit to complete burning operations.

d) Jackpot (Spot Burning):

Consists of burning only the heavier slash concentrations. It is applicable only where these concentrations are scattered and non-continuous.

e) Broadcast Burn:

This method consists of burning out heavy concentrations of slash without piling. Intensive pre-planning and preparation is necessary as is a good knowledge of fire behavior.

All slash treatments utilizing fire for completion will insure that the consideration is given to air quality as outlined in the Prescribed Fire/Air Quality Guidelines.

E. OTHER LAWS, RULES OR REGULATIONS THAT APPLY:

This section is to be used to describe any additional applicable rules or regulations that the owner/operator must abide by in fulfilling the conditions of the agreement. These may include, but are not limited to:

1. Burning Permits, from both the county sanitarian and also from the forest fire protection agency for that area.
2. Board of Health Regulations on Open Burning.
3. Streambed Preservation Act (SB-310).

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
DIVISION OF FORESTRY

"STATE-DO" FIRE HAZARD REDUCTION OR MANAGEMENT AGREEMENT

THIS AGREEMENT is entered into by _____,

(ADDRESS) (CITY) (STATE) (ZIP)

hereinafter referred to as the Operator and the Department of Natural Resources and Conservation, Division of Forestry, hereinafter referred to as the STATE, in compliance with and as authorized by Sections 28-403.1 through 28-408 and 28-410 through 28-413, RCM 1947.

Under this agreement the State agrees to reduce, manage or protect the fire hazard created in accordance with method(s) defined in the "Fire Hazard Reduction Fact Sheet" which is attached and incorporated herein by reference.

This agreement applies only to the lands covered under Hazard Reduction Agreement No. _____ or on the following described lands:

Subdivision _____ Section _____ Township _____ Range _____
Subdivision _____ Section _____ Township _____ Range _____

The slash deposits (\$5.00/MBF) withheld under this agreement will be retained by the State for reduction, management or protection of the fire hazard created.

The Owner and Operator will hold the State or its contractors harmless from liabilities in the performance of their duties under this agreement.

PRODUCT _____	APPROXIMATE VOLUME _____
PURCHASER _____	ADDRESS _____
PURCHASER _____	ADDRESS _____
PURCHASER _____	ADDRESS _____

REMARKS OR ADDITIONAL CLAUSES:

IN WITNESS WHEREOF, the parties hereto affixed their signatures, this _____ day of _____, 19____.

(NAME) Type or Print_____
(OWNER)_____
(NAME) Type or Print_____
(OPERATOR)_____
(ADMINISTRATOR, Division of Forestry
OR

Authorized Division of Forestry Personnel

F. STATE-DO FIRE HAZARD REDUCTION OR MANAGEMENT AGREEMENTS:

In some cases, it may be to the advantage of the State, when requested by the owner/operator, to assume the responsibility for reduction, management, or protection of a slash hazard created. Usually this occurs when the slash has been prepared for burning and the owner/operator would like us to do the actual burning. The contract is tied to the Rules and Regulations found in the Fire Hazard Reduction Fact Sheet. Required treatment, management or protection is found there.

Note that the agreement may be for lands covered under an existing HRA or for lands as yet not covered by an HRA. Also, the signatures of both owner and the operator are required. This is needed so that the State is removed from any liabilities other than negligence in the performance of its job.

State-do contracts may be made with the following restraints:

1. That it is to the State's advantage to do the work.
 - a) There is a crew in the area.
 - b) It is adjacent to State land.
 - c) Need dozer work time.
2. That the slash has been properly prepared for burning.
3. If the total job is to be done by the State, make sure the logger will log the area properly with consideration given to post harvest hazard reduction operations.
4. It is desirable that the area be inside State protection boundaries.
5. The decision to enter the agreement is made by the Area Supervisor. He may execute a "State-do Agreement" to assume the burning responsibility from holders of "B" option agreements. All such agreements are to be on an actual cost basis. In such cases, a partial refund of the operator's deposit can be made retaining a sufficient amount to cover the burning costs. Deposits retained over the cost of burning should be refunded to the operator. We should still, however, try to get the owner or operator to do the complete job.

G. AGREEMENT DISTRIBUTION:

After the agreement has been completely filled out front and back, and signed, front and back, copies should be distributed as follows:

- a) Original to the Division of Forestry Slash Accounting Technician. It is important to process this copy as soon as possible. Unnecessary delays on the forester's part may mean another pending account for the Accounting Clerk to setup and maintain until the original (white copy) is received.
- b) Pink copy to operator. This copy should have the original copy of the disposal instructions on the back side.
- c) Yellow copy to landowner.
- d) Green copy to timber owner if different from landowner.
- e) Goldenrod copy for each purchaser of forest products listed on the agreement. If there is more than one purchaser, use other copies from pad and underline "GOLDENROD TO PURCHASER" at the top right hand corner of the form.
- f) One copy for Area files. A copy of the agreement should also go into the CFM Case History file for that cooperator.

In cases where the landowner, operator, and/or timber owner are the same, only one copy is necessary for that individual.

Each new agreement written must be reported on the "Report of Actions Taken." The forester may wish to keep a running account for this report which is submitted monthly.

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
DIVISION OF FORESTRY

ASSIGNMENT OF FIRE HAZARD REDUCTION AGREEMENT

Agreement Number _____ County _____

Assignee _____

Date of Assignment _____

I, _____, of
_____,
(ADDRESS) (CITY) (STATE)

hereby accept and bind myself to comply with all the provisions and obligations and to reduce the fire hazard created, as set forth in the above numbered Fire Hazard Reduction Agreement.

(OWNER/OPERATOR) (DATE)

The undersigned hereby mutually agree to assign and transfer the above numbered Fire Hazard Reduction Agreement to the above named person(s) and henceforth from the date of this assignment to hold the above named person(s) accountable for all the provisions and obligations set forth in said Fire Hazard Reduction Agreement.

NAME (Type or Print) (OWNER) (DATE)

NAME (Type or Print) (OPERATOR) (DATE)

Area Supervisor (DATE)
Division of Forestry

H. AMENDMENTS TO HAZARD REDUCTION AGREEMENTS:

The Hazard Reduction Agreement is a legal agreement between the operator and the State. Normally, changes to the agreement must be made in writing and acknowledged by both parties and dated. However, in cases when the State takes over a slash job due to non-compliance or other reason, thirty (30) day written notification by the State to the owner and operator will suffice. All changes should be viewed, keeping in mind the policies of the Division of Forestry, objectives of the Board of Natural Resources and Conservation, and the intent of the law. Only those authorized to sign the agreement for the Division are authorized to amend the agreement.

Two types of amendments to the Hazard Reduction Agreement are presently applicable:

1. Assignment of Fire Hazard Reduction Agreement (Form 1043)

This form has been set up to include any interested third parties, e.g., one logger turning the job over to another logger whose name does not appear on the original agreement.

All parties must sign the agreement (except on agreements taken over by the state) before the assignment is legal.

2. Rate Change Amendments:

The second type of amendment to the Fire Hazard Reduction Agreement affects only those agreements dated prior to July 1, 1971. Withholdings for these agreements dated before this time will be at the \$1.00 or \$2.00/MBF rate unless a rate change amendment is in effect.

It is the responsibility of the Area Supervisor and his staff to see that:

- a) All old agreements are covered by this amendment.
- b) All old agreements are completed and terminated.

Five copies of any amendment form must be fully filled out and properly signed. Distribution is as follows:

- 1. Copy to old Operator
- 2. Copy to new Operator
- 3. Copy to Landowner
- 4. Copy to the Slash Clerk
- 5. Copy to be attached to Area copy of Agreement.
Except for the rate change, amendment, copies need not be sent to purchaser(s).

Amendments to Hazard Reduction Agreements are to be reported in the monthly "Report of Actions Taken."

Another problem that may be encountered that requires immediate attention is that of an operator dying before completing the required hazard reduction work. In these cases, the estate of the deceased operator should be contacted. Arrangements may be made through his estate attorney to assign the agreement and its responsibilities, or if it is to the State's advantage, to take over the agreement and reduce, manage or protect the hazard.

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

DIVISION OF FORESTRY

CERTIFICATION OF COMPLIANCE AFFIDAVIT

I, _____
(NAME) (ADDRESS) (CITY) (STATE) (ZIP)

hereby certify that I have completed the hazard reduction work in compliance with Sections 28-403.1 through 28-408 and 28-410 through 28-413, R.C.M., 1947, as agreed under the terms of Fire Hazard Reduction Agreement No. _____, and request payment of deposits less inspection fee.

(SIGNATURE)

Subscribed and sworn to before me this _____ day of _____, 19 _____.

NOTARY PUBLIC FOR THE STATE OF MONTANA

RESIDING AT _____

MY COMMISSION EXPIRES _____

(NOTARIAL SEAL)

FOR OFFICIAL USE ONLY	
Date	_____
Proj. No.	_____
Amount Deposited \$	_____
Fees	_____
Payment	_____

SECTION IV
INSPECTIONS AND COMPLIANCE

A. INSPECTIONS--OPERATOR-DO OPTIONS:

The Request for Inspection is made to the appropriate Area Office by the operator. In general, field inspections may not be made on projects 100 MBF and less, unless the inspection is done while in the Area on another project or at the Area Supervisor's discretion;; however, spot checks of these areas should be made by the inspector when performing other work in the vicinity of the cutting. The Affidavit Form (Facing Page) should be used for these payments.

The affidavit is to be prepared by the Area Supervisor or designated official and forwarded to the slash clerk for processing.

Inspections for payment are to determine that the reduction work conforms with the prescription on the Hazard Reduction Agreement and with the objectives and intent of the law.

Intermediate inspections should be made during the progress of the slash work on large jobs of 500M or over. A record of all inspections is to be kept. Preliminary inspections can be construed as CFM assistance and reported on the CFM-2 Form (refer to CFM Manual), as can many intermediate and final inspections. This is especially true if management advice and assistance is provided. Inspectors should schedule inspections so that the time spent on individual projects is sufficient to inspect the entire cutting area, but try to schedule the inspection of four or five small projects for a particular day to make maximum use of travel time to the various projects.

B. EXTENSIONS OF AGREEMENTS:

The Area Supervisor, at his discretion may extend a hazard reduction agreement if it is felt that the operator has good reason for being unable to fulfill the contract.

The State is to take over those "B" option agreements on which little or no work has been done in the 18 months after cutting is completed. The Area Supervisor may extend "B" option agreements beyond 18 months after cutting if substantial treatment has been accomplished. Extensions should only be for the time normally needed to complete the work.

C. PAYMENTS TO SLASH DISPOSAL DEPOSITORS:

For all payments, partial or complete, large or small, four copies of the Vendor Invoices will be prepared. This form will include project number(s), county number, option(s) amount to be refunded, any applicable administrative or inspection charges and a statement from the inspecting forester stating that payment is provided in accordance with Section 28-404, RCM 1947; that payment is partial/full, whichever is applicable;

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
DIVISION OF FORESTRY

CERTIFICATION OF CLEARANCE

This is to notify you that the terms of your Fire Hazard Reduction Agreement(s) with the State have been met. In accordance with Section 28-412, RCM 1947, you are hereby relieved from further liability and responsibility under the following agreement(s).

If payment for completed hazard reduction or management work is due you, copies of the Vendor Invoice Form will be attached. Sign all copies of this invoice and return them to:

Retain the fourth copy for your files. Your payment will be mailed directly to you from the State Auditor's Office, Helena, Montana.

The above agreement(s) are terminated as of this date. If additional logging takes place, a new agreement must be executed.

Yours truly,

and whether or not payment does in fact, close the account.

NOTE: If the account is to be closed, a copy of the Closure Letter is to be sent to the slash clerk. This information will authorize the hazard reduction clerk to process the claim, and close the agreement.

D. PARTIAL REFUNDS:

To avoid financial hardship to some operators partial refunds may be made providing:

1. All logging and slash work has been completed on the area considered.
2. The acreage is contiguous and at least one-quarter($\frac{1}{4}$) of the total to be cut.
3. The inspector documents and files a description of the area covered by the refund.

E. CERTIFICATION OF CLEARANCE (Closure Letter--Facing Page, Form 1024)

When the slash hazard has been satisfactorily reduced in compliance with the Hazard Reduction or Management Law, the Area Supervisor will issue a Certification of Clearance Letter. This Closure Letter will relieve the operator of further hazard reduction responsibility and will terminate the agreement.

Closure of any Hazard Reduction Agreement will be initiated at the Area level and Closure Letters prepared and signed by the Area Supervisor or authorized Division personnel. Copies of this letter will be sent to the slash clerk in order to close the books and process necessary payments. The Closure Letter and the approved Vendor Invoice will authorize payment and closure transactions, and a separate memo from the Areas will not be necessary.

Copies of the Certification will be distributed as follows:

- a) Original to Operator
- b) One copy to the Slash Clerk
- c) Copy to the Landowner
- d) Copy to the Timber Owner (if applicable)
- e) Copy to Area files
- f) Copy to all Purchasers

F. PURCHASER COMPLIANCE:

The Hazard Reduction or Management Law specifies that the purchaser cannot accept forest products from the operator unless

STATE OF MONTANA
DEPARTMENT OF NATURAL RESOURCES & CONSERVATION
DIVISION OF FORESTRY

PURCHASER NON-COMPLIANCE NOTICE

In accordance with Section 28-406, RCM 1947, and the rules and regulations of the Board of Natural Resources and Conservation, it is necessary that you submit a slash disposal report together with deposits to the Department of Natural Resources and Conservation, Division of Forestry, on or before the fifteenth (15th) day of each month for all timber you have purchased from private lands. Our records show that your last report and payments were made _____.

In order for you to meet the requirements of the law, and for us to carry out our responsibilities under the Montana Fire Hazard Reduction or Management Law, it is imperative that you submit slash disposal reports, with all withheld monies, to the Division of Forestry for the months of _____, 19____ to _____, 19____.

Violations of this requirement are deemed a misdemeanor, punishable by a fine of not less than one hundred dollars (\$100.00) and no more than one thousand dollars (\$1,000.00).

NAME _____

TITLE _____

DEPARTMENT OF NATURAL RESOURCES & CONSERVATION

DIVISION OF FORESTRY

PURCHASERS REPORT OF SLASH WITHHOLDINGS

Month of JANUARY 19 76

For Administrative Use Only

Hazard Reduction Agreement No.	Operator	Volume Purchased	Withholding					
			Rate	Total				
B-15-0999	J. JONES	23,000BF	5.00	115.00				
B-15-000L	S. SMITH	40CDS	2.50	100.00				
TOTALS				225.00				

MAXIMUM RATE

Sawlogs	(@) \$5.00 per M ft.
Powerline and telephone poles	(@) .01 per lin. ft. or \$5.00/M ¹⁰
House logs, piling	(@) .01 per lin. ft. or \$5.00/M
Fence posts and poles	(@) .02 each
Cord wood or pulpwood	(@) 2.50 per cord
Railroad cross ties	(@) .20 each

HARD LUCK LUMBER LOPPERS

(Person, Firm or Corporation)

(Signature)

HEAD HAUNCHO

(Title)

SOMEWHERE, MONTANA

Address

This report and monies withheld are due in the Division of Forestry office, 2705 Spurgin Road, Missoula, Mont. 59801 on or before the 15th day of the month next ensuing after withholdings have been made

evidence of compliance with the law is furnished. The Hazard Reduction Agreement constitutes this evidence. Close contact with the mills in each Area may be needed to accomplish this phase of the hazard reduction program.

Purchasers must understand that they are in violation of Montana law if they accept logs without Proof of Compliance--i.e., a valid Hazard Reduction Agreement or Master Agreement.

In the case of a "No Hazard" option, the purchaser need not withhold monies. If the Agreement is a "B" option, the purchaser will withhold appropriate monies as the forest products are delivered to him at the rates indicated on page 17 or as found on the Purchaser Withholding Report Form on the facing page.

The purchaser will report this withholding to the State on or before the 15th day of each month. Withholdings will continue to be made and reported by the purchaser on or before the 15th of each month until the delivery of forest products terminates. The purchaser's report of slash withholdings (opposite page) will include the name of the operator, the Hazard Reduction Agreement number(s), the volume purchased, withholding rate and the amount withheld. One check is sufficient for all monies withheld as indicated on the report. The Area Supervisor is responsible to see that an adequate supply of this form is provided to all purchasers of forest products within his Area, such as sawmills, post, pole and pulpwood dealers, scragg mills, etc. This form should be delivered to purchasers by a personal visit by designated Area personnel. During this visit, procedures of reporting, law enforcement, withholding, and forwarding of deposits should be discussed and clarified.

When evidence is presented that purchasers have failed to make a deposit report and deposit, the Area is to send a Purchaser Non-Compliance Notice (Form 1044) to ascertain reasons for not submitting the required report. If a response is not received within ten (10) days, the Area is to resubmit this form by registered mail (Return Receipt Requested). If this does not produce action, a personal call is to be made to the alleged violator. If the purchaser fails to make a report as a result of this action, legal steps are to be taken. (Discussed in Law Enforcement Section, page 73).

G. ZERO BALANCE CLOSURE PROCEDURES

Hazard Reduction Agreements sometime become inactive due to several reasons. Unless specific actions are taken by the Operator or the State inactive zero balance agreements will remain open and may become a potential source of problems.

The hazard reduction agreement is valid for two years from the date of signature for the purpose of cutting forest products. Project record cards are filed numerically and chronologically. The cards in the "zero" balance section of your files should be checked monthly for agreements that become two years old and the "Zero Balance Closure Letter" (following page) should be sent. Note that the letter is not a certification of compliance. It is an administrative letter used to close inactive agreements and hopefully bring to light any problems caused by non-compliance on the part of the purchaser or discrepancies in accounting on the part of the operator or the state.

Make three copies of the letter. One for the operator and two for the Division. If the operator does not respond within the 15 days as stated in the letter, forward a copy of the letter to the slash clerk, file your copy with your agreement in your closed agreement file #305.14, pull the project card and mark it closed and file the closed card in your closed card file. Upon receipt of the Zero Balance Letter, the slash clerk will close the agreement in the Division Master File. No closed card will be copied and returned to the area.

SECTION V

MASTER HAZARD REDUCTION AGREEMENT ^{1/}

- A. The Master Hazard Reduction Agreement is a special agreement between the State and owners of large tracts of timber or operators cutting large volumes from these tracts. This agreement is used in lieu of the standard agreement when the operator elects to do the reduction work under periodic supervision of the State.

This agreement does not require the operator to make deposits for timber cut--instead, a cash or a surety bond is posted by the operator to cover the equivalent of the volume cut for 6, 12, or 18 months.

The purpose of the Master Agreement is to save the operator the unnecessary expense of depositing large sums of money with the State and also to save the State considerable amounts of record keeping and time consuming slash payments.

Any person, landowner, operator or timber owner as defined in the Hazard Reduction or Management Law may apply for a Master Hazard Reduction Agreement. Applications will be made to the Area Supervisor who will recommend approval based on:

1. The volume to be cut is generally at least 2 MMBF.
2. Cutting generally is of two or more years duration.
3. All tracts cut by the operator is included in or added to the agreement while it is in effect.
4. The operator must be sufficiently bondable to cover the requirement of the Agreement.
5. Satisfactory performance is reasonably certain either by past experience of the operator or his agent.
6. The responsible party must supervise the slash treatment operation.

Also, Master Agreements should not cover more than one timber ownership unless it is with one purchasing mill, who assumes the slash responsibilities. Each ownership then, is a separate attachment to the MHRA.

^{1/} Sample Master Hazard Reduction Agreement, Appendix
Page 79

All requests for Master Agreements are to be referred through the Area Supervisor to the CFM Supervisor. The Area Supervisor will make recommendations as to whether a Master Agreement is in the best interest of the State, and complies with the intent of the law. The CFM Supervisor will determine the amount of bond that should be posted, based on recommendations of the Area Supervisor, and prepare the Agreement for execution.

For proper preparation of the Master Agreement the following information is necessary:

1. Operator or company and address. (Self explanatory)
2. Landowner and timber owner and complete mailing address. (Self explanatory)
3. Complete legal description of area covered. (Self explanatory)
4. Total and annual volumes to be harvested. (Self explanatory)
5. Recommended bonding period--The period of bonding is determined by the Area Supervisor based on past performance of the operator. If the operator stays current with his slash work, six months may be sufficient, if not, we may require a 12 or even 18 month bonding period. Whichever is used, remember that we should have sufficient funds to take over and do the work required if necessary.

Allow sufficient time prior to commencing operations for the execution of the Master Agreement. Sixty days might be a general guide.

Normally, prepared agreements will be transmitted to the company via the appropriate Area Supervisor. The company will, in turn, insure that proper sureties are prepared. When completed and signed by the operator, all copies are returned to the Division Office for approval and signing by the Division Administrator. Copies are then distributed as follows:

- a) Original to Division
- b) Copy to Operator
- c) Copy to Landowner
- d) Copy to Timber Owner, if not same as (c)
- e) Copy to Bonding Company
- f) Copy to Area files

MASTER HAZARD REDUCTION AGREEMENT
INSPECTION REPORT

COMPANY _____ (a) _____ DATE _____ (b) _____

LANDOWNER _____ (c) _____ ATTACHMENT # _____ (d) _____

Legal Description or Map of Inspected Area(s), Status and Remarks
(List each area separately):

(e)

Other Remarks:

(f)

COSTS: (g)

INSPECTING FORESTER:

Inspection time (hrs.) _____
Travel (miles) _____
Per diem (dollars) _____
Administrative (hrs.) _____

Signed _____

Copy to Operator
Copy to Owner
Copy to Area file
Copy to CFM Supervisor

B. INSPECTIONS:

The Area Supervisor is responsible to determine that holders of Master Agreements treat slash accumulations annually. Annual inspections are necessary to confirm treatment. If the operator fails to complete the necessary hazard reduction or management work, the Area Supervisor may recommend to the Division Administrator that the bond be liquidated and used by the State for proper treatment of the hazard.

- a) Annual inspections of Master Agreements should be made jointly between the designated Area Representative and the agreement holder.
- b) Contact holders of Master Agreements annually between April 1 and October 31 and make arrangements for joint inspection of slash work.
- c) The amount or type of work for each logged area is determined by volume removed, density of slash, and/or amount of slash created.
- d) Unsatisfactory slash treatment in any logged area concerned should be pointed out and discussed with the party involved. Examples: (1) not enough work done for volume removed; (2) wrong type of work; (3) work not done from a fire protection standpoint. A note of this should be made for the Master Agreement file. Followup to obtain compliance will be necessary.

Inspections are to be reported in the monthly Report of Actions Taken.

C. SLASH HAZARD REDUCTION CLEARANCES:

1. All inspections should be planned so that a minimum amount of time is needed to complete the job. For large areas where operations are widespread, consider the use of State aircraft in making the inspections.
2. Areas inspected, and work found satisfactory or unsatisfactory, is reported to the company on the Master Hazard Reduction Agreement Inspection Report Form #1048 (facing page). The report includes the following:
 - a) The Company
 - b) Date of inspection/s
 - c) Landowner

- d) Attachment number (this is the number assigned to the attachment to the Master Hazard Reduction Agreement for that Company) More than one inspection can be reported on this form as long as they are on the same landowner or attachment number.
- e) Legal identification or map of the area. Status of work done and whether the area is cleared or needs more work, and if so, what is required to comply.
- f) Remarks as necessary.
- g) Costs, see "D" below.

Copies of the report are to be sent to the operator, owner and CFM Supervisor. A copy is to be retained for Area files.

- 3. A summary involving several areas inspected on one Master Hazard Reduction Agreement attachment may be used to certify clearance. Areas not cleared should not be included in this type of clearance letter. Inspection costs must still be forwarded to the CFM Supervisor for billing purposes.

D. INSPECTION FEES:

Each Master Agreement is to have each of its cutting areas inspected each year to make sure treatment is kept current. Completed areas should be inspected upon request of the agreement holder. All actual costs of the inspection are to be billed including:

- 1. Inspection time in the field
- 2. Actual travel (miles and per diem).
- 3. Office time on maps, records and reports.
- 4. Clerical.

Master Hazard Reduction Agreement report costs are the basis upon which billings are made. These reports are to be forwarded to the Cooperative Forest Management Section Supervisor, who will do the actual billing.

E. INTERNAL RECORDS AND REPORTS BY INDIVIDUAL AGREEMENT:

- 1. Records of periodic slash disposal progress checks.

2. Areas of delinquent slash disposal mapped out.
3. Complaints regarding slash disposal on areas logged under Master Agreements.
4. Reports to State of delinquent slash treatment areas logged under Master Agreements.
5. Unsatisfactory work on logged areas and those requiring more work for compliance.
6. Inspection Record Form #1047 is used to maintain a record of work done by Master Hazard Reduction Agreement holders on specific attachments. It is a summary of Inspection Reports and is to be kept as a permanent record for each company with a Master Hazard Reduction Agreement.

Copies of all correspondence should be kept in Area files; originals to Division Office files for each agreement.

SECTION VI

PROTECTION AGENCY NOTIFICATION

A. PURPOSE:

Many tracts of private forest land are located within the protection boundaries of fire protection districts including the Division of Forestry Units. It is our responsibility to notify these agencies, as well as our own, when a hazard reduction agreement has been executed for lands within their protection boundaries.

We do this for three reasons --

- a) So that the District or Unit knows when a fire hazard is being or is about to be created.
- b) So that the District or Unit may make appropriate inspections for compliance with State Fire Laws.
- c) So that open burning of slash, when done during the fire season, may be administered more effectively from both the fire control and smoke management standpoints.

B. PROCEDURES:

Throughout the year, MDF foresters will be writing hazard reduction agreements for lands within various protection Districts or Units. The Protection Unit Symbol (see list on following page) is placed in the top right hand corner of the agreement. The agreement is logged also on the HAZARD REDUCTION AGREEMENT REPORT for that District or Unit. On or before May 1 of each year, this report is mailed to the appropriate agency along with a cover letter (reverse side) explaining the report, its use and corrections to be made throughout the fire season. This report is then updated monthly or as needed until the last report is made during the first week in September. Only new additions or closures of old agreements are needed on subsequent reports. After September 1, these reports are maintained as usual and then issued the next May at the beginning of the fire season.

C. DISTRIBUTION:

- a) Copies of reports to National Forests should be addressed to the Supervisor of that forest.
- b) Copies of reports for the BIA on the Flathead Reservation should be addressed to their office at Ronan.
- c) Copies within the Division should be routed to the Division Protection Units.

SAMPLE COVER LETTER

Mr. _____, Supervisor
_____, National Forest
_____, Montana

Dear Mr. _____:

The enclosed Hazard Reduction Agreement Report is a log of the forest operations on private forest lands within your fire protection boundaries. You will receive additional copies monthly or as needed as new agreements within your boundaries are signed, or as old agreements on the attached report are closed. The last report for this fire season, if needed, will be issued on or about the first of September.

If you have any questions, or would like more specific information on any of the reported operations, we will send a copy of the Hazard Reduction Agreement (sample attached) for that operation.

Yours truly,

Encl.

PROTECTION UNIT SYMBOLS

<u>PROTECTION AGENCY</u>	<u>UNIT SYMBOL</u>	<u>FOR AREA SUB-UNITS</u>
<u>National Forests</u>		
Beaverhead	USFS-BF	
Bitterroot	USFS-BRF	
Custer	USFS-CF	
Deer Lodge	USFS-DF	
Flathead	USFS-FF	
Gallatin	USFS-GF	
Helena	USFS-HF	
Kootenai	USFS-KF	
Lewis and Clark	USFS-L&CF	
Lolo	USFS-LF	
<u>Bureau of Indian Affairs</u>		
Flathead Agency	BIA-I	
<u>Montana Division of Forestry</u>		<u>For Area Sub-Units</u>
Central Area	MDF-C	
Northeast Area	MDF-NE	
Northwest Area	MDF-NW	
Southeast Area	MDF-SE	
Southwest Area	MDF-SW	

It is the Areas option to notify cooperative fire program counties of HRAs within their counties. These reports are sent to the county rural firewardens and the county alphabetical number is used as the symbol--i.e.: Missoula County, #32, or Broadwater County, #04.

HAZARD REDUCTION SLASH ACCOUNTING PROCEDURES

Understanding the procedures used throughout the program will enable us all to provide better service to the operator and result in better management of the resource on the ground.

Upon arrival to the Slash Accounting Technician, each agreement is checked for completion and accuracy. If any errors are found, the agreement is returned to the initiating forester for correction. He must, in turn, notify the operator or any other affected party if a major error has been made.

[illegible]

The information used to complete the card is taken directly from this Agreement. Each Agreement is then posted to the correct Area's numerical log, posted to the alphabetical cross reference card file and the project card is filed in the correct Area Zero Balance Card file, by County, by Agreement number. Before being filed, each Agreement is marked to show that each step in the above procedure has been taken.

New project cards are filed in the "zero balance" file by Area, by County, by Number. They are not removed until a money transaction has been made for that numbered agreement. Upon making the first and subsequent transactions, the card is filed by Option, by Area, by County. The card is "flagged" to show that there was a transaction for that month on that project. The flagging is necessary for the monthly transaction compilation to be discussed later.

B. PURCHASERS WITHHOLDING AND REPORTING PROCEDURES:

Sawmills, pulp plants, post and pole and other primary forest products operators, cannot, under the law, purchase forest products removed from private land unless the seller has shown proof that he has entered into a hazard reduction agreement with the State for the land from which the product was removed. The funds withheld under this provision of the law are then forwarded to the Division of Forestry Office with a slash withholding report. If the reports are sent to an Area Office, they should be reviewed and forwarded with any attached checks, or money, to the State Office. Even reports with no withholding to report, should be forwarded. For reports with cash involved, a receipt will be issued, otherwise the check will serve as a receipt.

It is recommended not to send cash through the mail. If you receive a cash slash withholding report at the Area or Unit Office, it is advised that you purchase a money order to send to the State Office, not the cash.

Reports that show no purchases made for that month should also be forwarded to the Division Office (in order to maintain an accurate "Purchaser's Payment Record" used for determining delinquent mills). As the Slash Accounting Technician keeps all of the monthly transactions, even these reports must be filed. Under this section of the law, mills are required to submit this report on or before the 15th day of each month. We may receive reports without any purchases listed for that month, but they will show that the mill did report.

When received by the Division the reports are checked for accuracy and for withholdings made without a valid agreement. If a major error is found in the report, the Area or Unit Office will be requested to contact the mill in question to resolve the problem.

Reports with non-valid agreement numbers or without agreement numbers ("pending" or "applied for") will be returned with the accompanying remittance to that mill. The mill should not have purchased the product without proof of a valid agreement. In reality, the mill has violated the law in doing so. Strict enforcement of this will reduce extra accounting work for the Slash Accounting Technician by keeping the "pending" account, see page 63, at a minimum.

After checking the incoming reports for completion, a transmittal form is prepared and a transmittal number is assigned for each report. The Slash Technician then marks each report with its transmittal number and date before further processing. The report is then broken down into individual deposits and posted to the project card.

The totals of the reports are posted to the General ledger and then filed in the monthly business folder until volumes and month reported are posted to the appropriate records. The

cutoff day for posting of transactions to the project cards is on or about the 20th of each month. Withholding reports received after this date will be posted to the next month's transactions. Withholding reports are then filed alphabetically in mill folders.

C. SLASH PROJECT RECORD SYSTEM:

For years the slash program has been working with a slash abstract which listed the slash projects by Area, by Number and by Option. For a short period, a computer program was used. Both had good and bad points. The abstract was never up-to-date and showed only the balance in the accounts. The printout was "monthly"--it showed a history of the project, but was costly and often incorrect due to the number of human errors between the project on-the-ground and what went into the computer. In both cases, the field personnel had different information than the Master files in the Division Office.

The Slash Project Record System provides an up-to-date (within a month) history of any one slash project. The field has an identical record of the project account as is in the Master file, except for the most recent transactions.

The key to the accuracy and reliability of this system is the prompt reporting of withheld monies by the purchasing mills. This may require frequent visits to area mills if they do not report by the 15th of each month as required.

Here is how the system works --

When a new agreement is received, the Slash Accounting Technician will make up the project record card showing "zero" balance. Two copies of the card will be sent--one to the Area and one to the Unit Office. When a transaction is made to a project, it is posted on the project record card (see page 57). The card is flagged and filed in the appropriate file. Near the end of the month's business (on or about the 20th of each month), the flagged cards are pulled and two copies of each card are made. These cards are then sent to the appropriate Area Office for updating their project record card file. One copy is for the Area file, the other copy goes to the appropriate Unit Office or hazard reduction forester. The card previously showing "zero" balance is then pulled from the Zero Balance file and filed in the active file. Cards which had previous transactions (but currently show a zero balance), should be filed in the Zero Balance file, but should not be discarded with the advent of another transaction. This is to maintain a complete history of that project.

Only the most recent copy of the cards should be kept if that card shows the total history of the project. When one card has been fully utilized, the next card will show "balance forward" on the top line of the card under "TRANSACTION." The number of cards for that project is determined by the number written on the line marked "page number" in the upper right hand corner of the card. The second card will show the number "2", the third card "3" and so on.

If there is any question as to the balance in an account, the Slash Accounting Technician should be contacted. Generally, this will only occur when a mill fails to report withholdings

on time or the logging job is completed with slash work being done concurrently. Request for inspection for these types of logging chances may require checking with purchasers to see if they have reported all withholdings for recently purchased wood products under that agreement.

Project cards for closed accounts should be kept for at least a year at the Area level for reference if any questions arise after closure of the agreement.

D. PENDING ACCOUNT:

The pending account is a special account set up to retain monies withheld when purchase of wood products is made and there is no valid Hazard Reduction Agreement. There are ususally three reasons for this--(1) the sellor does not have an agreement, (2) the sellor uses an agreement number that was used previously but has since been closed; or (3) the withholding report reaches the Division Slash Accounting Technician before the Hazard Reduction Agreement comes in from the field office.

The case of the logger not having an agreement can be avoided by having a good I&E program on the Hazard Reduction or Management Law for both the logging contractor and the mills. At present, those mill reports with withholdings without agreements are being returned, thus avoiding setting up a pending account, and avoiding Division implication in the violation of the slash law.

The case of using an old but closed Hazard Reduction Agreement number can be solved by making sure that all purchasing mills receives notification of the closure of an agreement and that they remove the closed agreement from their files. Again, this may require some visits to the mills to get acquainted, and to instruct the mill in proper slash withholding and reporting procedures.

The third problem of the withholding report arriving at the Division Office prior to the agreement can be solved by prompt processing of the agreement or sending a memo to the Slash Accounting Technician including the necessary information to setup a "dummy" card. This has occurred when an agreement with an assigned number has been mailed to an operator for signature and the operator fails to return the signed agreement, but is still using the number. To avoid this, do not send out HRAs with the account number on it.

At times, pending accounts may be setup. These accounts are assigned a number which is posted to mill report for use in referrals for transfer to a valid account. A copy of the mill report is then sent to the appropriate Area or Unit so that the situation can be corrected by setting up a proper account through institution of a hazard reduction agreement.

Periodically, there is a list of pending accounts by Area compiled and sent to that Area. These accounts should be acted on immediately to bring the operations in question under the law or correct any mistakes that might have necessitated a pending account.

SLASH DISPCAL REPORT

TO: _____

FROM: _____

MONTH _____ YEAR _____

	OF-1	+	Owner do	+	State do	+	Pending	=	Total
Beginning Balance	_____		_____		_____		_____		_____
Deposits	+		+		+		+		+
Expenditures*	-		-		-		-		-
Fund Transfers**	+		-		-		-		-
Ending Balance	_____		_____		_____		_____		_____

*Expenditures Detail

A - Project

1 - Refunds _____

2 - Contract Dozer Work _____

3 - Other _____

Total Project _____

B - OF Account

1 - Claims _____

2 - Payroll _____

3 - Other _____

Total OF Account _____

Total Expenditures _____

**Fund Transfer Detail

1 - Payroll Charges	+	_____		-	_____				
2 - Inspection Fees	+	_____	-	_____					
3 - Proj. Card Clos.	+	_____	-	_____	-	_____	-	_____	
4 - Equip. (other)	+	_____	-	_____	-	_____	-	_____	
5 - State Take Over	+	_____	-	_____	+	_____			
6 - Pending Transfers	+	_____	+	_____	+	_____	-	_____	
7 - Other		_____		_____		_____			
Totals	+	_____	-	_____	-	_____	-	_____	

E. GENERAL LEDGER AND SLASH DISPOSAL REPORT:

The general ledger is a detailed accounting of all transactions involving funds in the various slash accounts. These transactions include deposits, payments, inspection fees, payroll (P/R), transfers, claims, amendments and closures. All entries to the ledger must be documented. All documents are kept in the monthly business folder unless filed under a specific file code number. The ledger is balanced, with a summary from the Department Office, at the end of each month.

The Slash Disposal Report is then prepared, based on information from the general ledger, for the Administrator of the Centralized Services Division. The report includes the following:

- a) Total month's deposits to all projects OF and pending.
- b) Total month's payments from "A" option projects.
- c) Total inspection fees transferred into OF-1, from projects.
- d) Project closures and amendments.
- e) Payroll and dozer work.
- f) Claims on the OF-1 account.

The report not only balances the books, it also provides at a glance the slash situation in the State and by comparing it with past reports. Some direction or trends can be seen.

Copies of this report are sent to the CFM Supervisor, Forest Management Bureau Chief, Operations Bureau Chief, Assistant Administrator and the Accounting Supervisor.

STATE OF MONTANA

VENDOR INVOICE

Instructions

- PREPARE IN TRIPLICATE.
- SEND ALL COPIES TO VENDOR.
- VENDOR RETURNS SIGNED ORIGINAL AND DUPLICATES RETAINING ~~triplicate~~ last copy
- FILE ORIGINAL WITH TRANSFER-WARRANT CLAIM.

VENDOR'S NAME AND ADDRESS

BILLED TO

NAME (as it is to appear on check)
 ADDRESS (Mailing Address)
 CITY (Zip)

DEPARTMENT OF NATURAL RESOURCES
 AND CONSERVATION
 DIVISION OF FORESTRY
 2705 SPURGIN ROAD
 MISSOULA, MONTANA 59801

QUANTITY

DESCRIPTION OF GOODS DELIVERED OR SERVICES RENDERED

AMOUNT

* For payment in accordance with Section 28-404 and
 28-406, RCM, 1947:

00-01111 W $\frac{1}{2}$ SE $\frac{1}{4}$, Section 1, T1N-R1W
 Less two percent (2%) inspection charge

\$ 100.00

- 2.00

PAYMENT →

\$ 98.00

*OR for partial payment in accordance, etc.

HRA TO BE CLOSED (OR HRA TO REMAIN OPEN)

Acc 250303

GRAND TOTAL

\$ 98.00

STATE USE ONLY

APPROVED FOR PAYMENT

Authorized
SignatureUNIT FORESTER OR
"INITIATING" FORESTER

Date

VENDOR CERTIFICATION

I certify that this invoice is correct in all respects and
 that payment has not been received.

Vendor's
Name

TYPE IN

Date
ProcessedVendor's
Signature

Title

OPERATOR/OWNER

F. VENDOR INVOICES (PAYMENTS):

Vendor Invoices are used to make payment to the owner/operator for the hazard reduction or management work he completes. Information to be included on the invoice should be:

1. Name that will appear on the warrant.
2. Complete mailing address.
3. Statement including sections of the law which provide for payment.
4. HRA number and legal description.
5. Total of monies deposited.
6. Less the inspection fee which will be taken from the project card under credits column.
7. Indication of project status, i.e.: close or remain active.
8. ~~Operator/owner (vendor) name typed or legibly printed.~~
ACCOUNT # 250303
9. Date of vendor's signing.
10. Initiating forester's signature.

The number of copies to be made will depend on each Area's needs. Three copies of all invoices are needed by the Slash Accounting Technician before payment can be made. Besides these three, the vendor, the Area and the Unit may each want a copy.

When using the three copy carbonized set of invoices, remove one page from a separate set and insert it into the three copy set. This will provide the fourth copy needed. Retain the two remaining copies of the "borrowed from" set for use as forth copies for future payments.

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
DIVISION OF FORESTRYTEN-DAY RIGHT-OF-WAY CLEARING NOTICE
(Per Section 28-405)OPERATOR _____
(NAME) (ADDRESS) (CITY) (STATE) (ZIP)

LANDOWNER _____

LOCATION OF CLEARING _____ SECTION _____ TOWNSHIP _____ RANGE _____

COUNTY _____

DATE CLEARING TO BEGIN _____

ARE FOREST PRODUCTS TO BE REMOVED?

☐ YES--APPROXIMATE VOLUME _____☐ NO

OPERATOR'S SIGNATURE _____

DATE _____

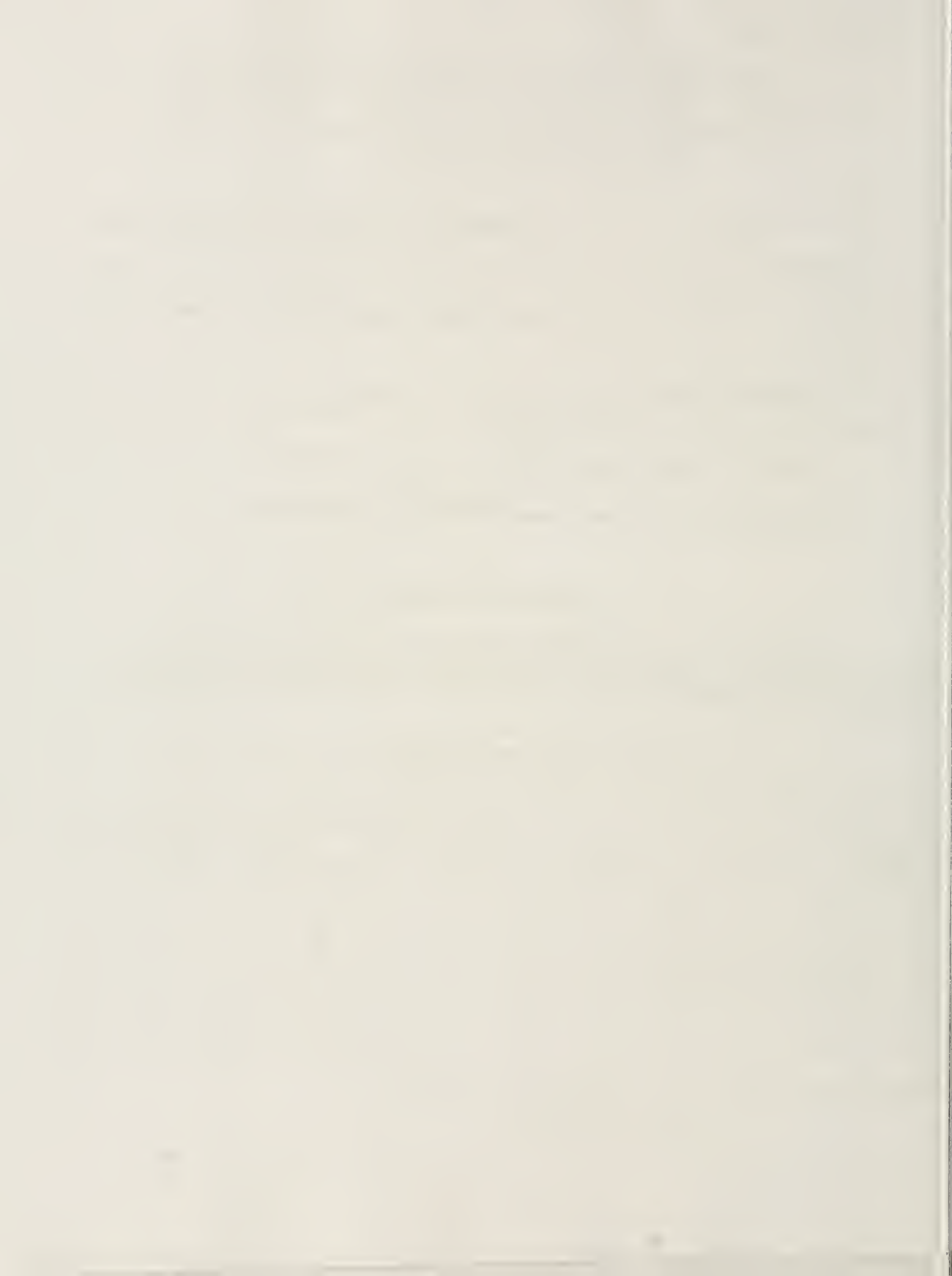
MAIL OR DELIVER TO THE DIVISION OF FORESTRY OFFICE NEAREST YOU AT LEAST
TEN (10) DAYS PRIOR TO CLEARING:

RIGHT-OF-WAY CLEARING LOG

COUNTY _____

DATE TO BEGIN	OPERATOR	LANDOWNER	LEGAL LOCATION Sub., Sec., T., Rge.	HRA SIGNED	INSPECTED DATE	STATUS *

*Hazard Reduction Work - S.C. - Satisfactorily Completed
 - I.P. - In Progress
 - N.W. - No Work Done



SECTION VIII

TEN DAY RIGHT-OF-WAY CLEARING NOTICE

Under Section 28-405, RCM 1947, an operator must notify the Division of intent to clear a right-of-way using the "Ten Day Right-of-Way Clearing Notice." This notice is not required for clearing in areas presently covered by a regular or a Master Hazard Reduction Agreement. If commercial products are to be removed from the right-of-way, it will be necessary for the operator to enter into a Hazard Reduction Agreement. This information is obtained from the form. The volume to be removed may indicate if an "A" or "B" option is required.

The "notices" have been distributed to the following for their use and/or distribution: Ranger Districts, Primary Wood Processing Plants, Counties, State Highway Department, Bonneville Power Administration, Montana Power Company, Electrical Cooperatives, Telephone Cooperatives, Mountain Bell, Corps of Engineers, Burlington Northern, U. S. Plywood, Yellowstone Pipeline, Pacific Power, Real Estate and Subdivision developers. Copies should be made available at Area and Unit Offices.

Right-of-way notices should be filed by county in Area or Unit slash card systems along with other project cards. Copies should be sent to landowner, if appropriate. Areas to be cleared should be listed on the right-of-way clearing log, and inspections made on the clearing hazard reduction work done periodically or when in the vicinity on other business.

In the course of inspection, check the date clearing was to begin to determine if the hazard reduction work is being done concurrently.

Check to see if the work is satisfactorily completed or if it has been done at all. If one of the above is not being accomplished, notify the operator by letter of his responsibility under the law.* If the operator does not comply, notify the Area Supervisor. He may, in turn, contact the county attorney and/or the Department attorneys for legal action. Keep accurate records of the operator's actions or inactions and also your letters and notes (see Law Enforcement Section), in case the violation is contested in Court.

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*A one time five (5) day notice to comply should be sent via certified mail.** This notice need be sent to the same person only once. Subsequent violations should then be taken to the county attorney or Department attorneys without allowing the notification period.

**Include in the notice, the following: (a) situation as it exists on the ground, name, location, etc., (b) section of law being violated, and (c) give five (5) days to comply prior to submission of complaint to county attorney for prosecution.

SECTION IX
LAW ENFORCEMENT

A. HAZARD REDUCTION LAW ENFORCEMENT:

Law enforcement in the administration of the Hazard Reduction or Management Law is a necessary part of hazard reduction work. The purpose of this section is to provide guidelines so that effective law enforcement can be carried out.

In the administration of any law, the majority of the individuals affected will voluntarily comply. There is, however, usually a minority that will not. It is for this minority group that penalty clauses are placed in our laws and enforcement by legal action sometimes become necessary.

Our relationship with the public should be considered at all times in enforcement of the Hazard Reduction or Management Law. Violators are to be notified in writing and allowed a reasonable time to comply. Continued infractions of the law or failure to comply after notification cannot be ignored and must be handled by legal action. All violators are to be treated in the same manner and a consistent, impartial law enforcement policy is to be maintained in carrying out the objectives and goals of the Hazard Reduction or Management Law.

B. EVIDENCE:

Effective law enforcement depends upon the methods and techniques used to gather information. Court cases have been lost because of lack of sufficient information and facts obtained by field personnel and the proper documentation of these facts. Although lawyers will handle the legal action required to process a court case, the field personnel will be required to gather most of the data and, as a rule, testify on behalf of the State. Judicial procedure requires that information pertaining to court action be restricted to fact. All project files pertaining to hazard reduction work should be considered as potential court case evidence, and the reports and correspondence included in the project file prepared and written with this eventuality in mind. The source for the information which you gather can be very important in a court action.

For example --

1. Hearsay:

Evidence, oral or written, derived from something the witness has heard others say; any evidence depending upon the credibility and competency of some person other than the witness; generally testimony of this type is excluded in court, but may be admissible in some special matters.

2. Fact:

Evidence, oral or written, that the witness has actually seen, said or done. This evidence may include properly documented reports to the files, etc. This type of evidence is the information upon which juries and/or Judges must base their verdict. It may be either direct or circumstantial.

The major difference between hearsay and fact stems from what the witness has seen or done. If the witness has played an active part in the act, it is fact; if he has taken the observation of others, it is hearsay. The majority of evidence gathered and used in connection with court cases in law enforcement is written memorandums, letters and reports in the particular project file. Although it is impossible to make a simple generalized form for this background information, the following list can be used as guides:

Each document should contain:

- a) Name of person writing report
- b) Date report is written
- c) Details to be documented including observations and verbal statements.
- d) Signature of person writing report.
- e) File number. (See File Code)

Contents of the report should cover the following items:

- a) How, what, when, and where.
- b) Report should be written in a positive manner.
- c) Report should be written to show clearly the intent and purpose of the person writing the report.
- d) Refer to the Division of Forestry Law Enforcement Manual, the section dealing with reports.

Following are examples of appropriate statements to be included in the reports:

- 1. That the person indicated has failed, refused, or neglected to comply with Section 28-404 and 28-406, Revised Codes of Montana 1947.
- 2. That such person is engaged, either for himself or for another in cutting timber of other forest products and is creating a fire hazard on private lands in the State of Montana.

3. That such person has been notified in writing of his non-compliance with Section 28-404 or 28-406 and still failed, refused or neglected to comply with said Section for a period of thirty (30) days after being notified.
4. While inspecting the area described in Hazard Reduction Agreement No._____, I noted the following unsatisfactory condition(s). (List)
5. I attempted to inspect the area covered by Hazard Reduction No._____, and the (landowner/operator) refused access to the area.
6. The operator was notified on (date) that State crews did take over the hazard reduction work. We attempted to do this on (date); the landowner refused the crew admittance to the property.
7. Reference is made to the correspondence and memorandums to Hazard Reduction File Number_____. It is apparent from this information that the operator will not comply with the Hazard Reduction or Management Law. I therefore, recommend that appropriate legal action should be taken to enforce the law.

All reports should be neat and concise. Pencil reports should be considered only for temporary reminder types of memorandums and should not be considered as part of the permanent file. The following types of written reports are acceptable in legal action, provided they adhere to the proper form and content as outlined above.

- a) Typewritten.
- b) Pen--either ballpoint or standard.
- c) Indelible pencil.

Mistakes or corrections made on the file copy of any report should be initialed and dated by the person making out the report. If these changes are of major consequence and affect a second party, the second party should initial the correction too. Every effort should be made to keep only pertinent information in the file. Project files should be cleaned periodically to remove all the temporary memorandums and notes. Originals should be kept in office files, only duplicate copies should be sent through routing channels.

C. LAW ENFORCEMENT PROCEDURES:

State Firewardens will be responsible for handling all law enforcement. In order to provide uniform law enforcement for the Hazard Reduction or Management Law, the following interpretation of the law is provided. In all cases, the

intent of the law is to be followed:

1. Section 28-405--Reduction of Slash and Forest Debris Along Right-of-Way:

Law enforcement for this Section is contained within the Section on Rights-of-way, page 69.

2. Section 28-406--Purchaser Will Assure Compliance Prior to Purchase--Will Transmit Withheld Money to State:

When the initial purchaser of forest products is required to withhold and transmit monies to cover hazard reduction, payments are to be transmitted to the State on or before the 15th of each month. If these payments are not submitted, the Slash Accounting Technician will discover this from the purchaser payment record. (In appendix). Areas will be notified monthly of mills that may not be complying. The Area Supervisor or his designated representative should then send the "Purchaser Compliance Letter", Form No. 1044 to the mill or purchaser. If no answer is received or the purchaser fails to comply within 15 days, send another Purchaser Compliance Letter by Register Mail, Return Receipt Requested. The Area Supervisor for the area in which the delinquent mill is located, is responsible for taking appropriate enforcement action. Cooperation between Areas may be necessary in cases where two or more Areas are concerned.

The Area Supervisor or designated Division of Forestry personnel may request the county attorney to assist in collecting these payments. If this brings no action, Department attorneys should also be notified of this action. Generally, a letter from the county attorney is sufficient to make collection. Written efforts to collect deposits should be included in the project file as evidence.

3. Disposal of Slash--Operator Compliance:

If the one responsible fails to carry out Section 28-404 and 28-406 of the Hazard Reduction or Management Law, the State has two alternatives:

- a) Institute injunction proceedings.
- b) Take over the reduction work on a cost plus penalty basis.

In either case, the Area Supervisor will send written notice to the operator by registered mail, "Return Receipt Requested" giving him a thirty-day (30) period to comply. If no compliance is made, he will then notify the Division Administrator. The State will take one

of the following legal actions.

a) Injunction:

If the State elects to institute injunction proceedings, the Area Supervisor should contact the county attorney providing all the necessary information to carry out the injunction--i.e., operator's name, section of law being violated and proof of violation. When starting these proceedings, also notify the CFM Supervisor of said proceeding. He will, in turn, notify the Division Administrator and the Department Legal Staff of same.

b) If the State elects to take over the hazard reduction work:

- (1) The hazard reduction job will be done on a cost, plus 20% penalty basis. In the event the operator refuses to pay the State for the hazard reduction work, the Division Administrator will notify the operator to submit payment within ten days. If the payment is not received within this ten-day period, the case will be turned over to the Attorney General for collection.
- (2) The State may not file a lien against property of any person who has been issued a Certificate of Clearance covering Section 28-404 and 28-406 covering the property.

D. ENFORCEMENT "B" OPTION PROJECTS--18 MONTH AND OLDER:

Operators and landowners with "B" option projects that reach the age of 18 month after execution of the agreement and have not requested refund of slash disposal deposit for hazard reduction work completion, should be sent the 18 Month Notice Letter. If reply is received requesting an extension, it should be granted, if reasons stated warrant the extension. (See section on Extensions, page 44).

When the extension expires without a request for inspection of work, or there is no reply to the 18 Month Notice Letter, an inspection of the area and contacts with the operator, and/or landowner, are to be made. If no hazard reduction work has been done, the State should try to assign the agreement to the landowner or a new operator. If this cannot be accomplished due to failure to contact the operator or his unwillingness to assign the agreement over to the new operator,

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
DIVISION OF FORESTRY

PORTABLE SAWMILL LICENSE APPLICATION

In compliance with Sections 81(1501-1506) Revised Codes of Montana, 1947, relating to portable sawmills,
application is hereby made for a license to operate a sawmill in the _____ District.

Present setting of Mill located or to be located in _____
(40 Acre Subdiv., Section, Twp., Rge.)

(Give description of lands on which timber will be cut for sawmill operation, 40 Acre subdivision, Section, Twp., Rge.) (Also indicate ownership of property, address of owner if other than applicant.) (Estimated ft. log scale contained therein.)

for the purpose of sawing _____
(Lumber, Ties, Misc.)

The sawmill will be operated by _____ power and will have a daily capacity
(Indicate what power used)
rating of _____
(No. of bd ft. or Ties)

License fee of Two Dollars (\$2.00) is herewith enclosed.

(Date)

(Applicant's Signature)

(Address)



(usually the landowner) the State is to take over the agreement and notify the operator in writing by "Registered Mail, Return Receipt Requested" that the State will take over the hazard reduction, management or protection responsibilities. A copy of this letter should be forwarded to the slash clerk and the landowner (if not the operator) and a third copy attached to the agreement.

At this point, we may assign the agreement to the landowner so that he may complete the necessary hazard reduction work or the State may reduce, manage or protect the hazard.

D. PORTABLE SAWMILLS:

Enforcement of the Hazard Reduction or Management Law is often difficult when it comes to portable sawmills for several reasons. They are:

1. The mills, being mobile, are hard to keep track of.
2. They are sometimes owned and operated by the same person who owns the forest land from which the forest product is being removed and is also the logger on this land. In these cases, it is difficult to get the "purchaser" to withhold required slash monies.
3. There are too many of them in too many places.
4. They go into and out of business quickly, depending on the market situation.

The best remedy for keeping track of them is a thorough knowledge of your Area or Unit and good cooperation with agencies such as the U.S. Forest Service and Soil Conservation Service and forest product operators in the area.

Under Section 81-1501, when operating on forest land, these mills must have a portable sawmill license. The application form and license form (facing and following pages) are used to try to keep track of these mills. Note on the license form the spaces provided for second, third and so forth settings. Hopefully, through enforcement of portable sawmills on forest land, (Section 81-1501-81-1506) we can successfully keep track of these mills, thereby improving administration of the Hazard Reduction or Management Law in the process.

MONTANA DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION

DIVISION OF FORESTRY

PORTABLE SAWMILL LICENSE

No. _____

In accordance with Sections 81 (1501-1506) of Revised Codes of Montana, 1947, relating to portable sawmills,

license is hereby granted to _____
(Name of Operator)

(Address: City, County, State)

Sawmill operating under this license located within _____
(District)

FIRST mill setting located or to be located in _____
(40 Acre Subdiv., Section, Twp., Rge.)

Advance notice must be given for each consecutive move of the mill to a new setting within above-described District. After approval has been given the new location must be indicated in the space provided below. The license will then apply to mill operations on new location.

SECOND SETTING _____
(40 Acre Subdiv., Section, Twp., Rge.)

THIRD SETTING _____

FOURTH SETTING _____

FIFTH SETTING _____

SIXTH SETTING _____

SEVENTH SETTING _____

EIGHTH SETTING _____

License transferable by written consent of the Administrator, Division of Forestry.

Any violation of the forestry laws of the State by the operator may result in revocation of said license and suspension of sawmill operations until the conditions constituting a violation of law shall have been remedied and removed.

Administrator, Division of Forestry

BY: _____
Signature of Officer Issuing License

_____, 19____

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SECTION X

A P P E N D I X

<u>ITEM</u>	<u>PAGE NO.</u>
SAMPLE MASTER AGREEMENT	79-81
REFERENCES AND SUGGESTED READING	82
HAZARD REDUCTION FILE CODE	83-84
NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975	85-88
STATE MINIMUM STANDARDS AND GUIDELINES (NATURAL STREAMBED AND LAND PRESERVATION ACT OF 1975)	89-91
PURCHASER PAYMENT RECORD	92

SAMPLE CONTRACT

(ACTUAL CONTRACT SHOULD BE DOUBLE SPACED)

MASTER FIRE HAZARD REDUCTION AGREEMENT

Between

(COMPANY NAME)

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
DIVISION OF FORESTRY

This contract made this _____ day of _____ 19____, by and between the Department of Natural Resources and Conservation, Division of Forestry, 2705 Spurgin Road, Missoula, Montana 59801, hereinafter known as the STATE, and (COMPANY NAME AND ADDRESS), hereinafter known as the COMPANY.

WITNESSETH

This agreement is entered into in accordance with the provisions of Sections 28-403.1 through 28-408 and 28-409 through 28-413, RCM 1947 (hereinafter called the fire hazard laws).

NOW, THEREFORE, in consideration of the mutual covenants herein contained, it is agreed:

1. This agreement becomes effective the day and year first above written. Upon thirty (30) days advance written notice to the other party, either party may terminate this agreement in any year on the month and day first written above. Violation of any provision herein, the fire hazard laws, or the rules now or hereinafter adopted thereunder, may be cause for immediate termination of this agreement, upon written notice to the Company's address first written above, by the State. Obligations and responsibilities which have accrued to the date of termination shall remain in effect and shall be fulfilled in accordance with this agreement, the fire hazard laws, and the rules now or hereafter adopted thereunder. However, this agreement shall automatically terminate on the effective date of any legislation which repeals Section 28-403.1 through 28-408 and 28-409 through 28-413, RCM 1947.
2. This agreement applies to all lands upon which the activities set forth in Sections 28-404 and 28-405, RCM 1947, are conducted by the COMPANY and its contractors. All such lands are described upon individual attachments to this agreement, each becoming a part of this agreement upon written acceptance and approval by the STATE. In no event will an attachment be approved by the STATE which, in combination with other attachments, would exceed the amount of the bond (show amount) provided for in paragraph eight (8) of this agreement.

Each attachment shall be considered separately in accordance with the written provisions of the attachment and this agreement and may not be construed as affecting any other attachment.

3. It is agreed by the COMPANY that it shall provide for all fire hazard reduction work on the lands described in paragraph two (2) and that such fire hazard reduction shall be in compliance with the fire hazard laws and the rules now or hereafter adopted thereunder. It is mutually agreed that the STATE and the COMPANY may make necessary joint inspections annually of the lands described in paragraph two (2) to determine the COMPANY'S compliance with this agreement, the fire hazard laws, and the rules now or hereafter adopted thereunder, at a time convenient to both the COMPANY and the STATE during a period of May 1 to December 1 of each year. All reasonable reports and records required of the COMPANY by the STATE for the administration of this agreement shall be maintained by the COMPANY and available at all reasonable times for inspection by the STATE. The COMPANY agrees to submit annually, not later than April 1, records including descriptions, locations, volumes, and who will conduct each such activity on COMPANY lands for that year.
4. INSPECTION FEES--In lieu of the 2% inspection fee assessed on the \$5.00/MBF for the actual volume cut, the COMPANY agrees to pay actual costs of all necessary inspections including inspection time in the field, travel and per diem, office time on maps, records and reports and clerical time. One billing will be submitted to the COMPANY after completion of spring or fall inspections.
5. It is the mutual intent of the parties herein that the COMPANY shall provide for all fire hazard reduction on all lands described in paragraph two (2) of this agreement and all lands described in attachments to this agreement upon which the activities set forth in Sections 28-404 and 28-405, RCM 1947 are conducted. Such fire hazard reduction shall be in accordance with this agreement, the fire hazard laws and the rules now and hereafter adopted thereunder.
6. Upon completion of the annual inspections covered in paragraph three (3) of this agreement and satisfactory compliance with the fire hazard laws and the rules now or hereafter adopted thereunder, the STATE agrees to issue a Certification of Clearance to the COMPANY covering the approved fire hazard reduction work completed during the period for which the inspections were made. Said certification shall specify the attachment covering those operations approved.
7. If the COMPANY or its contractors fails to comply with this agreement, the fire hazard laws and the rules now or hereafter adopted thereunder, on lands described in paragraph two (2) of this agreement and lands described in any attachment, the COMPANY agrees that the STATE may reduce the hazard

in accordance with the provisions of 28-407, RCM 1947, pertaining to disposal of slash by the STATE. In such event the STATE shall bill the COMPANY for the cost of such slash disposal plus twenty percent (20%). In the event the COMPANY does not within thirty (30) days of the date of the billing pay the STATE such cost plus twenty percent (20%), the COMPANY Hereby agrees to forfeit its bond in the amount to cover said billing.

8. The COMPANY agrees to provide either a cash bond in the amount of (show amount) with the STATE at the time of signing this agreement, or a performance bond in the amount of (show amount) with sureties solvent and satisfactory to the STATE at the time of signing this agreement. The bond may be apportioned according to approved attachments to this agreement as described in paragraph two (2) and sufficient sureties shall be allocated to satisfactorily cover each individual attachment, such sureties and amount of bond being satisfactory to the STATE. In no event will the bonded amount for the sum of the attachments be less than required by Section 28-410, RCM 1947. The bond shall be conditioned upon full and faithful compliance with the fire hazard laws and the rules now or hereafter adopted thereunder.
9. Should Section 28-410, RCM 1947 be amended to change the maximum fire hazard reduction or management fee or should Section 28-406 be amended to change the inspection fee, this agreement shall automatically incorporate said fee change as of the effective date of the amendment.

IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

(WITNESS)

(COMPANY NAME)

(WITNESS)

GARETH C. MOON, Administrator
Department of Natural Resources
and Conservation, Division of
Forestry

REFERENCES AND SUGGESTED READING

1. "FIRE WEATHER" -- Mark J. Shroeder and Charles C. Buck, USFS, Agric. Handbook #360, May 1970
2. "GUIDES TO THE ADMINISTRATION OF STATE-OWNED FOREST LAND" -- Office of Montana State Forester, Missoula. Rev. 1971
3. "PRESCRIBED FIRE/AIR QUALITY GUIDELINES" -- Office of Montana State Forester, Missoula, 1971
4. "LAW ENFORCEMENT MANUAL" -- Office of Montana State Forester, Missoula, 1971
5. "PRESCRIBED FIRE PLANNING IN THE INTERMOUNTAIN WEST" -- Wm. R. Beaufait, USFS, INT-26, 1966
6. "PRINCIPLES OF FOREST FIRE MANAGEMENT" -- Raymond C. Clar and Leonard R. Chatten, Cal. State Board of Forestry, Rev. 1966
7. "TERMINOLOGY OF FOREST SCIENCE, TECHNOLOGY, PRACTICE AND PRODUCTS" -- Multi-lingual Forestry Terminology Series No. 1, SAF 1971
8. "FUEL HAZARD RATING OF SLASH ON STATE & PRIVATE LANDS IN MONTANA" -- Robert W. Steele, Montana Forest and Conservation Experiment Station Bulletin #14, May 1970
9. "LOGGING SLASH--A STUDY OF THE PROBLEM IN INLAND EMPIRE FORESTS"-- D.S. Olson and George R. Fahnestock, University of Idaho and USFS-INT. Bulletin #1, Moscow, Idaho, July 1955
10. "LOGGING SLASH AND FLAMMABILITY" -- George R. Fahnestock, USFS-INT. 58, May 1960
11. "SLASH--EQUIPMENT AND METHODS FOR TREATMENT AND UTILIZATION" -- USDA, USFS, ED&T Report 7120-7, April 1975
12. "ENVIRONEMNTAL EFFECTS OF FOREST RESIDUES MANAGEMENT IN THE PACIFIC NORTHWEST" -- Pacific Northwest Forest and Range Experiment Station, USDA Report #24, 1974

305 - HAZARD REDUCTION

- 305.1 - Hazard Reduction Agreements (numerically by Area, by County)
 - 305.11 - Hazard Reduction Numerical Log (by Area)
 - 305.12 - Unique Number Conversion List (by Area)
 - 305.13 - Cross Reference File (alphabetically)
 - 305.14 - Closed Hazard Reduction Agreements (numerically by County)
 - 305.15 - Hazard Reduction Agreement Number Blocks
- 305.2 - Master Hazard Reduction Agreements (original in locked file)
 - 305.21 - Master--Correspondence (with Standard HRA Files)
 - 305.22 - Master Hazard Reduction Inspections, Maps, Billings, etc.
 - 305.23 - Master Hazard Reduction Bonding Periods and Annual Cuts
 - 305.24 - Closed Master Agreements
- 305.3 - Hazard Reduction Agreements--Other
 - 305.31 - Hazard Reduction Contract Correspondence
 - 305.32 - Right-of-Way Clearing Correspondence
 - 305.33 - Right-of-Way Clearing Log
 - 305.34 - State-Do Agreements
 - 305.35 -
 - 305.36 -
 - 305.37 - Equipment Rental Agreements
 - 305.38 -
 - 305.39 -
- 305.4 - Hazard Reduction Accounting
 - 305.41 - Mill Reports (alphabetically)
 - 305.42 - Pending Deposits
 - 305.43 - General Ledger
 - 305.44 - Refunds (Payments)
 - 305.45 - Distribution Payroll Worksheets
 - 305.46 - Hazard Reduction Project Cards
 - 305.47 - Monthly Business Folder
 - 305.48 - Standard Hazard Reduction Agreement Inspection Fees
 - 305.49 - General Hazard Reduction Accounting Correspondence
 - 305.491 - Abstract (Obsolete as of 3-1-75)
- 305.5 - Rules and Regulations--(for Law Enforcement use 304.2) (by Statute, by Case)
 - 305.51 - Purpose
 - 305.52 - Definitions
 - 305.53 - Rules and Regulations (Forms--use 305.9)

305.6 - Hazard Reduction Supervision

- 305.61 - Plans (by Unit, by Year)
- 305.62 - Statistics and Reports
- 305.63 - Technical Guidelines
- 305.64 - Fuel Classifications
- 305.65 -
- 305.66 -
- 305.67 - Purchaser Payment Record
- 305.68 - Volume Cut from Private Lands (by County)

305.7 -

305.8 - Literature, Publications, and Research Relating to Hazard Reduction

- 305.81 - Fuel Management
- 305.82 - Equipment

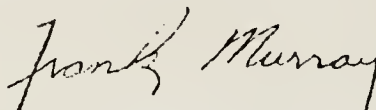
305.9 - Forms

- 305.91006 - Hazard Reduction Fact Sheet
- 305.91018 - Hazard Reduction Law Sheet
- 305.91023 - Hazard Reduction Agreement
- 305.91024 - Certification of Clearance Letter
- 305.91031 - Purchaser Withholding Report
- 305.91037 - Hazard Reduction Agreement (State-Do)
- 305.91038 - Hazard Reduction Agreement Application
- 305.91040 - Notice of Need of Hazard Reduction Agreement Poster for use at Purchasing Mills
- 305.91041 - Right-of-Way Clearing Notice
- 305.91042 - Certification of Compliance Affidavit
- 305.91043 - Hazard Reduction Agreement Assignment (owner-operator)
- 305.91044 - Purchaser Non-Compliance Notification
- 305.91045 - Eighteen (18) Month Notice

I, FRANK MURRAY, Secretary of State of the State of Montana, do hereby certify that the following is a true and correct copy of SENATE Bill No. 310, Chapter No. 463, Montana Session Laws of 1975, enacted by the Forty-fourth Legislature of the State of Montana, approved by Thomas L. Judge, Governor of said State, on the eighteenth day of April, 1975, and effective July 1, 1975.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the great Seal of said State.

Done at the City of Helena, the Capital of said State, this twelfth day of May, 1975.



Frank Murray
Secretary of State

CHAPTER NO. 463
MONTANA SESSION LAWS 1975
SENATE BILL NO. 310

AN ACT TO PROVIDE FOR A POLICY OF PRESERVING THE NATURAL OR EXISTING SHAPE, FORM AND COURSE OF STREAMS TO ACTIVITIES OF PRIVATE PERSONS OR ORGANIZATIONS; AND IN SO DOING TO KEEP SOIL EROSION AND SEDIMENTATION TO A MINIMUM IN THE STATE OF MONTANA; AND TO PROVIDE FOR PENALTIES AND ENFORCEMENT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. There is a new R.C.M. section numbered 26-1510 that reads as follows:

26-1510. Short title. This act may be cited as "The Natural Streambed and Land Preservation Act of 1975".

Section 2. There is a new R.C.M. section numbered 26-1511 that reads as follows:

26-1511. Policy of state. It is the policy of the state of Montana that its natural rivers and streams, and the lands and property immediately adjacent to them within the state are to be protected and preserved to be available in their natural, or existing state, and to prohibit unauthorized projects and in so doing to keep soil erosion and sedimentation to a minimum, except as may be necessary and appropriate after due consideration of all factors involved. Further, it is the policy of this state to recognize the needs of irrigation and agricultural use of the rivers and streams of the state of Montana; and to protect the use of water for any useful or beneficial purpose as guaranteed by the constitution of the state of Montana.

Section 3. There is a new R.C.M. section numbered 26-1512 that reads as follows:

26-1512. Definitions. As used in this act:

(1) "Stream" means any natural perennial flowing stream, or river, its bed and immediate banks.

(2) "Person" means any natural person, corporation, firm, partnership, association or other legal entity, not covered under section 26-1502.

(3) "District" means a conservation district under Title 76, chapter 1, in which the project will take place; a grass conservation district, under Title 46, chapter 23, where no conservation district exists; or the board of county commissioners where a district does not exist.

(4) "Supervisors" means the board of supervisors of a conservation district, the directors of a grass conservation district, or the board of county commissioners where a proposed project is not within a district.

(5) "Project" means a physical alteration or modification of a stream in the state of Montana which results in a change in the state of the stream in contravention of section 26-1511.

(6) "Applicant" means any person presenting notice of a project to the supervisors.

(7) "Department" means the Montana department of fish and game.

(8) "Team" means one (1) representative of the supervisors, one (1) representative of the department, and the applicant or his representative.

Section 4. There is a new R.C.M. section numbered 26-1513 that reads as follows:

26-1513. Notice of project. (1) A person planning to engage in a project shall present written notice of the project to the supervisors before any portion of the project takes place.

(2) The notice shall include the location, general description, and preliminary plan of the project.

Section 5. There is a new R.C.M. section numbered 26-1514 that reads as follows:

26-1514. Procedure for considering projects -- team.

(1) The supervisors shall receive all notices of proposed projects within their district. They shall, within five (5) days of receipt of a notice, examine and investigate the notice and determine whether the proposal is for a project. They shall, within such period, send a copy of their determination to the department and the applicant. If the supervisors determine that the proposal is not a project, the applicant may, upon receipt of written notice, proceed with the proposed activity.

(2) If the supervisors determine that the proposal is for a project, the department shall, within five (5) days of receipt of such determination, notify the supervisors whether the department requests an on-site inspection by a team.

(3) The supervisors shall call a team together within twenty (20) days of receipt of the request of the department for an on-site inspection. Any member of the team shall notify the supervisors in writing within five (5) days after notice of the call for an inspection of his waiver of participation in the inspection. If the department does not request an on-site inspection within the time specified above, the supervisors may deny or approve the project or may make recommendations for alternative plans.

(4) Each member of the team shall recommend, in writing, within fifty (50) days of date of application, denial, approval, or modification of the project to the supervisors. The applicant may waive participation in this recommendation.

(5) The supervisors shall review the proposed project and affirm, overrule, or modify the individual team recommendations, and notify the applicant and team members within sixty (60) days of the date of application, of their decision.

(6) When a member of the team disagrees with the supervisors' action, he may ask, within five (5) days of receipt of the supervisors' decision, that an arbitration panel, as provided in section 26-1515 be appointed to hear the dispute and make a final written decision thereon.

(7) Upon written notice, with any recommendation or alternative plan, by the supervisors to the applicant, the applicant, within fifteen (15) days, shall notify the supervisors in writing if he wishes to proceed with the project in accordance with the recommendations or alternative plans. No work may be commenced on a project prior to the expiration of this fifteen (15) day period unless written permission is given by all team members. If the written decision of the supervisors approves the proposed project without recommendation or alternative plan, the applicant may proceed with the project upon the expiration of ten (10) days after receipt of the decision.

(8) The supervisors may extend the request of any team member, the time limits provided in section 26-1514 (4) and (5)

where, in their determination, the time provided is not sufficient to carry out the purposes of this act. The time extension may not, in total, exceed one (1) year from date of application. The applicant shall be notified, within sixty (60) days of date of application, of the initial time extension and shall be notified immediately of any subsequent time extensions.

(9) No work on a project under this act may take place without the written consent of the supervisors.

Section 6. There is a new R.C.M. section numbered 26-1515 that reads as follows:

26-1515. Arbitration panel -- costs. (1) The arbitration panel shall consist of three (3) members chosen by the senior judge of the judicial district in which the dispute takes place. The members shall be residents of that judicial district at the time of selection. This panel shall sit for only that period of time necessary to settle the dispute before it and will review the proposed project in line with the policy set forth in section 26-1511.

(2) Cost of the arbitration panel, computed as for jurors' fees under section 25-401, shall be borne by the contesting party or parties; all other parties shall bear their own costs.

Section 7. There is a new R.C.M. section numbered 26-1516 that reads as follows:

26-1516. Vested water rights preserved. This act shall not impair, diminish, divest, or control any existing or vested water rights under the laws of the state of Montana or the United States.

Section 8. There is a new R.C.M. section numbered 26-1517 that reads as follows:

26-1517. Emergencies -- procedure. (1) The provisions of this act shall not apply to those actions which are necessary to safeguard life or property, including growing crops, during periods of emergency. The person responsible for any project under this section shall notify the supervisors in writing within fifteen (15) days of the action taken as a result of an emergency.

(2) The supervisors shall send one (1) copy of the notice, within five (5) days to the department.

(3) A team, called together as described in section 26-1514 (3), shall make an on-site inspection and individual written reports to the supervisors within thirty (30) days giving their observations and opinions on the emergency project.

(4) If the same or a similar emergency occurs to the same applicant more than once within any five (5) year period, the supervisors shall request the team members to include in their reports a determination of the validity of the emergency action and to ascertain the feasibility of a more permanent solution to that emergency action.

(5) The supervisors shall determine the feasibility of a more permanent solution and shall recommend, within thirty (30) days, that the person put the solution into effect within a reasonable period of time, as determined by the supervisors. Failure of the person to put that solution into effect is not a violation of this act unless a subsequent emergency action results from this failure.

(6) When a member of the team or the applicant disagrees with the supervisors' recommendation, he may ask that an arbitration panel, as provided in section 26-1515, be appointed to hear the dispute and make a final written decision thereon.

Section 9. There is a new R.C.M. section numbered 26-1518 that reads as follows:

26-1518. Modification of plan -- cost sharing. If the final decision of the arbitration panel requires modifications or alterations from the original project plan, as approved by the supervisors, then the arbitration panel shall include in its decision any part or percent of these modifications or alterations that is for the direct benefit of the public and it shall assign any costs to the proper participant.

Any of the involved entities may withdraw or modify required modification of the project within ten (10) days after the decision.

Section 10. There is a new R.C.M. section numbered 26-1519

and reads as follows:

26-1519. Application of flood plain management act. Approval for proposed projects or alternate plans does not relieve the applicant of the responsibility of complying with Title 89, chapter 35, floodway management and regulation where designated flood plains or designated floodways have been established in accordance with that chapter.

Section 11. There is a new R.C.M. section numbered 26-1520 that reads as follows:

26-1520. Rules -- minimum standards. (1) By July 1, 1975, the board of natural resources and conservation after consultation with the association of conservation districts shall adopt rules setting minimum standards and guidelines for the purposes of this act.

(2) By January 1, 1976, the supervisors of each district shall adopt by resolution after a public hearing rules setting standards and guidelines for projects, and exclusions, within their districts which shall meet or exceed the minimum standards set by the board under subsection (1) of this section.

Section 12. There is a new R.C.M. section numbered 26-1521 that reads as follows:

26-1521. Judicial review. Any final action under this act may be appealed within thirty (30) days to the district court.

Section 13. There is a new R.C.M. section numbered 26-1522 that reads as follows:

26-1522. Public nuisance. Except for emergency action, a project engaged in by any person without prior approval, as prescribed in this act, is declared a public nuisance and subject to proceedings for immediate abatement.

Section 14. There is a new R.C.M. section numbered 26-1523 that reads as follows:

26-1523. Penalty -- misdemeanor -- restoration. (1) Any person initiating a project without written consent of the supervisors is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25) nor more than five hundred dollars (\$500), for each day that person continues to physically alter or modify the stream, and in addition that person shall restore, at the discretion of the court, the damaged stream, as recommended by the team and approved by the supervisors, to as near its prior condition as possible.

(2) Any person or entity who violates the time provisions of this act is guilty of a misdemeanor and upon conviction shall be punished by a fine of five dollars (\$5) per day.

Section 15. Severability. If a part of this act is invalid, all valid parts that are severable from the invalid part remain in effect. If a part of this act is invalid in one or more of its applications, the part remains in effect in all valid applications that are severable from the invalid applications.

State Minimum Standards and Guidelines
Natural Streambed and Land Preservation Act of 1975

36-2.2(2)-S210 PURPOSE OF SUB-CHAPTER (1) Under Section 26-1520, R.C.M. 1947 (enacted as Section 11, Chapter No. 463, Montana Session Laws 1975, the Natural Streambed and Land Preservation Act of 1975), the Board of Natural Resources and Conservation is required to adopt rules setting minimum standards and guidelines for the purposes of the Act which must be met or exceeded by standards and guidelines for projects adopted by local districts. This sub-chapter sets forth those state minimum standards and guidelines. (History: Sec. 26-1520(1), R.C.M. 1947; NEW, MAC Not. No. 36-3-11; Order MAC No. 36-3-7; Adp. 6/26/75; Eff. 8/4/75.)

36-2.2(2)-S220 DEFINITIONS As used in this sub-chapter and in Chapter No. 463, Montana Session Laws 1975:

(1) "Mean high water mark" means a water level corresponding to the natural or ordinary high water mark; and is the line which the water impresses on the soil by covering it for sufficient periods of time to deprive the soil of its vegetation and destroy its value for agricultural purposes.

(2) "Project area" means the area within the jurisdiction of the Act and this sub-chapter, and includes the area within the mean high water mark on both sides of a stream. The term also includes the immediate banks to a stream as determined by the supervisors.

(3) "Natural perennial flowing stream" means a stream which, in its natural state, historically flows continuously at all seasons of the year and during dry as well as wet years. (History: Sec. 26-1520(1), R.C.M. 1947; NEW, MAC Not. No. 36-3-11; Order MAC No. 36-3-7; Adp. 6/26/75; Eff. 8/4/75.)

36-2.2(2)-S230 STANDARD FORMS (1) The following forms shall be adopted, printed and made available by the Department of Natural Resources and Conservation and shall be used by each district and applicant for a project:

(a) Form 270 "Notice of Proposed Project" form submitted by the applicant to the supervisors;

(b) Form 271 "Supervisors Report" form to return to the applicant with stated course of action;

(c) Form 272 "Individual Team Member Report" form submitted to the supervisors.

(d) Form 273 "Supervisor's Decision" form submitted to the applicant and team members. (History: Sec. 26-1520(1), R.C.M. 1947; NEW, MAC Not. No. 36-3-11; Order MAC No. 36-3-7; Adp. 6/26/75; Eff. 8/4/75.)

36-2.2(2)-S240 REVIEW OF PROPOSED PROJECTS (1) The following items shall be among those considered by the district prior to making a decision on a proposed project:

- (a) The purpose of the project;
- (b) The necessity and justification for the proposed project;
- (c) Whether the proposed project is a reasonable means of accomplishing the purpose;
- (d) Whether there are modifications or alternative solutions which are reasonably possible and which would reduce the disturbance to the stream channel and its environment and better accomplish the purpose of the proposed project;
- (e) Whether the project will pass anticipated sediment loads without creating harmful flooding or erosion problems upstream or downstream; and
- (f) Whether the project will interfere with public and private property.

(2) No project may be approved unless reasonable efforts will be made consistent with the purpose of the project to:

- (a) Minimize the amount of stream channel alteration;
- (b) Insure that the project will be as permanent of a solution as possible and that the method used will create a reasonably permanent and stable situation;
- (c) Insure that the project will pass anticipated water flows without creating harmful erosion problems upstream or downstream;
- (d) Minimize effects on fish and aquatic habitat;
- (e) Minimize turbidity or other water pollution problems by the materials used or removal of ground cover;
- (f) Minimize adverse effects on the natural beauty of the area;
- (g) Insure that the project will comply with the district's rules;
- (h) Insure that streambed gravels will not be used in the project unless there is no reasonable alternative; and
- (i) Comply with any additional criteria the supervisors consider appropriate. (History: Sec. 26-1520(1), R.C.M. 1947, NEW, MAC Not. No. 36-3-11; Order MAC No. 36-3-7; Adp. 6/26/75; Eff. 8/4/75.)

36-2.2(2)-S250 PROJECTS (1) Projects shall include the following within a project area:

- (a) Channel changes;
- (b) New diversions;
- (c) Riprap and other streambank protection projects;

(d) Jetties;

(e) New dams and reservoirs;

(f) Commercial, industrial and residential development.

(2) A district may add to this list of projects in its adopted rules setting standards and guidelines for projects.

(History: Sec. 26-1520(1), R.C.M. 1947, NEW, MAC Not. No. 36-3-11. Order MAC No. 36-3-7; Adp. 6/26/75; Eff. 8/4/75.)

36-2.2(2)-S260 EXCLUSIONS (1) The following shall not be projects, and thus no notice of proposed project may be required for:

(a) A water user or his agent to clean, maintain, or repair any diversion facility, canal, ditch, or lateral or to remove any obstruction from a stream channel which is interfering with the delivery of water under a valid existing water right or water use permit so long as the action does not alter the existing stream channel; and

(b) Removal of debris from a stream channel, provided that all material removed will be disposed of at some point outside the channel where it cannot again re-enter the channel, and provided further that such removal does not constitute a project as listed in Rule 36-2.2(2)-S250 of this sub-chapter.

(2) A district may add to or expand the scope of this list of exclusions in its adopted rules setting standards and guidelines for projects, and exclusions, provided that such additions or expansions do not constitute a project as listed in Rule 36-2.2(2)-S250 of this sub-chapter. (History: Sec. 26-1520(1), R.C.M. 1947; NEW, MAC Not. No. 36-3-11; Order MAC No. 36-3-7; Adp. 6/26/75; Eff. 8/4/75.)

SLASH DISPOSAL PAYMENT RECORD

Year

Purchaser

Jan

Feb

Mar

Apr

May

June

July

Aug

Sept

Oct

Nov

Dec.

STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
Forestry Division

HAZARD REDUCTION FACT SHEET

APPLICABLE TO ALL TREE CUTTING OPERATIONS ON PRIVATE FORESTED LANDS WITHIN MONTANA

The Department of Natural Resources and Conservation, under rules established by the Board of Natural Resources and Conservation, is charged with the administration and enforcement of the Fire Hazard Reduction or Management Law. This Fact Sheet is distributed to holders of Hazard Reduction Agreements to provide a better understanding of the need for slash hazard reduction, to describe various methods of slash treatment, and to encourage current and orderly hazard reduction during logging operations.

The primary objectives of the Fire Hazard Reduction or Management Law (Sections 28-403.1 et seq., RCM 1947) are to:

- (a) Provide fire hazard reduction, protection, or management to the extent necessary for reasonable safety of the residual timber stands and the property of others.
- (b) Reduce the fire hazard created by cutting forest products, clearing right-of-way, or conducting timber stand improvement upon private forest lands, by methods found to be economical and yet to accomplish the objectives.
- (c) Manage slash hazards with the entire forest management picture in mind.

REASONS FOR HAZARD REDUCTION OR MANAGEMENT

Fire spreads more rapidly in slash areas and is more difficult and expensive to control than in unlogged areas. Accumulation of logging slash has been a major factor contributing to the size of most large fires in the last 65 years, including the catastrophic 1910 burn, the 1920 and 1929 conflagrations, and the large fires in northern Idaho and western Montana during the 1967 fire season.

Normally, large logging operations contribute the highest potential danger of the spread of fire; however, equally as serious is the accumulation of slash on small cutting areas

which lie adjacent to one another. It is, therefore, extremely important that logging slash be treated on areas of all sizes concurrently with logging or as soon thereafter as feasible.

Logging may also increase the possibility of damage to residual stands by providing breeding places for tree-killing insects. By selecting the proper time for slash disposal in combination with various logging methods, both the fire danger problem and the insect damage problem can be effectively handled.

GENERAL CONSIDERATIONS

The Board of Natural Resources and Conservation has ruled that slash treatment is to be accomplished reasonably concurrent with cutting, but must be completed within a period no longer than 18 months after cutting has been concluded in the immediate area.

The amount of hazard reduction accomplished and the method used depend upon the bond which has been deposited for this purpose. This bond does not provide for 100% disposal of all slash in the logging area, nor is it intended that it should. The amount of hazard reduction accomplished by the landowner or logging operator is also dependent upon the amount of the bond deposited. The more complete the hazard reduction job, the more easily wildfire can be controlled. The landowner can, depending upon his objectives, dispose of or require the logging operator to dispose of more slash than required by law.

The slash hazard is most effectively and economically reduced during the logging operation. For example, sawyers could trim and scatter the limbs of trees felled during cutting operations. Trees could be treelength skidded to landings, which would concentrate the slash and provide easy access for burning. Dozers on the logging operations could clear skid trails and roads to mineral soil, construct firelines providing the necessary fire guards for broadcast burning or slash management, and skid cull trees to open sunlight to destroy bark beetle breeding grounds.

It is to your advantage to do this work concurrently with logging operations. After you have notified us that the hazard reduction is completed, we will inspect your work and refund your deposit, less inspection fees, as soon as possible.

Violation of Montana's FIRE HAZARD REDUCTION OR MANAGEMENT LAW or of any regulations promulgated by the Montana Board of Natural Resources and Conservation under authority of Sections 28-403.1 through 28-408 and Sections 28-410 through 28-413, Revised Codes of Montana 1947 is an offense punishable by fine or injunction.

CAUTION: A BURNING PERMIT FROM THE RESPONSIBLE FIRE PROTECTION AGENCY IS REQUIRED FOR BURNING DURING THE CLOSED FIRE SEASON (FROM MAY 1 THROUGH SEPTEMBER 30). A POLLUTION PERMIT FROM THE COUNTY AIR QUALITY CONTROL OFFICER MAY ALSO BE REQUIRED.

DEFINITIONS

THE FOLLOWING DEFINITIONS ARE USED IN THE ADMINISTRATION OF THE FIRE HAZARD REDUCTION OR MANAGEMENT LAW:

(a) "Department" means the Department of Natural Resources and Conservation.

(b) "Division" means the Division of Forestry of the Department.

(c) "Person" means an individual, association, partnership, corporation, estate, or any other entity.

(d) "Slash" means tree tops, limbs, and down trees remaining on a timber cutting, right-of-way clearing, thinning, or pruning operation.

(e) "Landowner" means any person owning land within the State where forest products have been or are being removed and a fire hazard has been or will be created.

(f) "Operator" means any person who cuts for commercial purposes any forest products on private forest land within the State including right-of-way clearing, thinning, or pruning operations.

(g) "Purchaser" means any person who purchases or contracts to purchase any forest products cut from private forest land within the State. The term includes persons purchasing cants, studs, cross ties,

or other products manufactured on the cutting area.

(h) "Timber owner" means any person purchasing stumpage from any private forest land in the State or holding title to the stumpage.

(i) "Fire Hazard Reduction Agreement" means the agreement made to ensure compliance with the Fire Hazard Reduction or Management Law for the orderly and efficient reduction of the fire hazard created. (Form 1023)

(j) "Fire Hazard Reduction Agreement (State-Do)" means the agreement in which the Department assumes the responsibility to reduce, dispose, manage, or protect the fire hazard created by timber-cutting operations. (Form 1037)

(k) "Certification of Clearance" means a certification issued by the Department when the fire hazard has been reduced in accordance with the law.

(l) "Slash Hazard" means sufficient slash and debris, resulting from timber cutting, timber stand improvement, or right-of-way clearing operations, which produce a cover of flammable material in which fire could spread through a cutting or the adjacent area.

HAZARD REDUCTION METHODS

THE FOLLOWING METHODS COMPLY WITH THE STATE FIRE HAZARD REDUCTION OR MANAGEMENT LAW:

LOPPING AND SCATTERING: This method consists of trimming the branches from tops and cull trees and scattering them to promote decomposition and prevent the spread of fire. Dozers can "walk down" limbs from tops and cull trees with the same effect. This method should be employed in larch timber or where trees of other species are scattered. Burning is not necessary.

DOZER PILING: This method should be employed where heavy volumes of timber have been cut and the slash concentrations create an extreme fire hazard. Cull trees four inches and larger and long butts should also be piled in this operation to reduce the danger of bark beetle infestations. Dozer piles should be free of soil and burned when dry. During the closed fire season, piles can be burned only under permit, following special precautions prescribed by the protection agency.

BROADCAST BURNING: This method consists of burning out heavy concentrations of slash without dozer or hand piling. Provision should be made for adequate fire breaks within and around the perimeter of the cutting area. Broadcast burning should not be used where the slash is concentrated under standing timber. This method will effectively destroy the breeding habitat for tree-killing insects.

REDUCTION BY CHIPPERS: This method consists of putting slash and debris through a mechanical chipping machine which reduces the material into small chips and scatters them. Burning is not necessary if this method of disposal is used.

HAND PILING AND BURNING: This method consists of trimming the limbs from tops of trees and piling to provide a slash-free strip 50 to 100 feet wide along main roads and boundaries of the cutting area. A permit must be obtained to burn during the fire season.

MANAGEMENT OF FIRE HAZARD: This means the constructing of roads and skid trails to mineral soil inside the logging area and then connecting them to a fireline around the perimeter. This method can be used with, or in lieu of, other slash treatment. Burning may or may not be necessary.

PROTECTION OF FIRE HAZARD: This means taking protective measures without actual abatement of the hazard, by turning the slash deposits over to the appropriate fire protection agency. This practice is generally used where (a) the Department has taken over the hazard reduction responsibility, but it is not feasible for the Department to do the hazard reduction work, or (b) the landowner does not want burning to be done on his land or in areas where burning will extensively damage stands of young growth timber.



STATE OF MONTANA

DEPARTMENT OF NATURAL RESOURCES AND CONSERVATION
Forestry Division

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MONTANA FIRE HAZARD REDUCTION OR MANAGEMENT LAW

Section 28-403.1 through 28-408, 28-410 through 28-413, Revised Codes of Montana, 1947

28.403.1 DEFINITIONS. As used in this chapter: (1) "Department" means the department of natural resources and conservation, provided for in Title 82A, chapter 15. (2) "Board" means the board of natural resources and conservation, provided for in section 82A-1509. (3) "Person" means an individual, association, partnership, corporation, estate, or any other entity.

28-404. REDUCTION OR MANAGEMENT OF FIRE HAZARD CREATED BY CUTTING TIMBER. Before cutting any forest product or conducting timber stand improvement such as, but not limited to, thinning, weeding, or pruning, upon private lands within the state the person conducting such practice shall provide for the reduction or management of the fire hazard to be created by entering into a fire hazard reduction agreement with the department and by posting a bond to the state in such form and for such amount as may be prescribed by the department, conditioned upon full and faithful compliance with all requirements under this chapter and the faithful reduction or management of the fire hazard in the manner prescribed by law and by rules adopted by the board. The bond shall be released upon completion of the work done in compliance with the terms of the agreement.

28-405. REDUCTION OF SLASH AND FOREST DEBRIS ALONG RIGHT OF WAY. (1) A person clearing right of way for any railroad, public highway, public trail, private road, trail, ditch, dyke, pipeline or wire lines, or any other transmission or transportation utility right of way, except temporary roads located within the boundaries of the cutting area and which are used in the actual logging operations, shall REDUCE the hazard resulting from the clearing or from the cutting of material for the construction of the public or private utility unless exempted by the department. At least ten (10) days before commencement of the clearing, the person conducting the clearing shall notify the department of commencement of the clearing in the form and manner the department provides. (2) Hazard reduction, including burning where this method of disposal is used, shall be done as rapidly as cutting or clearing progresses; however, upon application to the department it may grant a permit extending the time within which the burning must be done in compliance with this chapter, and chapter 1 of this title relating to burning permits during the closed season. (3) This section applies to all clearing of rights of way across private land and on behalf of the state, county, highway districts, and road districts, whether the work is made by the proper officials conducting, directing, or letting the work for withholding until it is complete, a sufficient portion of the payment therefor to assure compliance with this chapter. (4) In addition to the penalty provided in section 28-413, the offender may be enjoined, at the instance of the department from proceeding with the work until this section has been complied with; and, upon application of the department to any court of competent jurisdiction, a writ of mandate shall issue compelling the offender to fully comply with this section.

28-406. PURCHASER WILL INSURE COMPLIANCE, PRIOR TO PURCHASE, WILL TRANSMIT WITHHELD MONEY TO DEPARTMENT. The initial purchaser of forest products which have been cut or are about to be cut from any private lands within the state shall, before making the purchase or contract to purchase, determine that the person engaged, or about to engage, in the cutting of these forest products, has provided for the reduction or management of the fire hazard thus created, as provided in this chapter. When the hazard reduction agreement provides that the purchaser of forest products shall withhold moneys to insure faithful compliance with this chapter, the purchaser shall transmit all moneys which are withheld to the department on or before the fifteenth (15th) day of each month, clearly identifying by number or other appropriate means the hazard reduction agreement to which the WITHHELD moneys pertain. The purchaser shall keep accurate records of the purchase and the amounts WITHHELD, which may be inspected by the DEPARTMENT at any reasonable time. UPON THE DEPARTMENT MAKING THE DETERMINATION THAT FAITHFUL COMPLIANCE WITH THIS CHAPTER HAS BEEN ACHIEVED, THE DEPARTMENT SHALL RETURN TO THE OWNER THEREOF ALL SUCH WITHHELD MONEYS WITH THE EXCEPTION OF TWO PERCENT (2%) FOR INSPECTION FEES.

28-407. DISPOSAL OF SLASH--INJUNCTION AGAINST FURTHER CUTTING--DISPOSAL AT EXPENSE OF OWNER--LIEN AND ENFORCEMENT--ORDERS. (1) If a person fails, refuses, or neglects to properly dispose of slash in accordance with the requirements of section 28-404 and 28-406, and is engaged or is about to engage, either for himself or for another, in cutting timber or other forest products, and thereby creates a fire hazard he may be enjoined from cutting the timber until sections 28-404 and 28-406 have been complied with. The department may initiate the proceedings, and the court may in its discretion grant a temporary injunction. The proceedings

shall be conducted in the district court of the county where the land is located. (2) If a person fails to comply with sections 28-404 and 28-406, and has cut any forest products and fails to comply within thirty (30) days after being notified to do so by the department, the department may complete, direct, or authorize the disposal of the slash at the expense of the owner of the timber or other forest products cut or produced from the land upon which the fire hazard remains undisposed of. (3) The cost and expense of the disposal, plus twenty percent (20%) of the cost and expense of the disposal as a penalty, constitutes a lien upon the forest products so cut or produced from the land. If payment of the sum demanded is not made to the department within ten (10) days of its written demand, the department shall bring legal action on behalf of the state to recover the debt. (4) The department shall not file for record any lien against the property of any person who has been issued a certification of compliance with sections 28-404 and 28-406, covering the property.

28-408. SUPERVISION BY DEPARTMENT RULES OF BOARD. (1) The department, under such rules as the board adopts, may supervise and inspect the reduction or management of any fire hazard created by the cutting of any forest product on private land in the state. (2) The reduction or management of fire hazards referred to in this chapter shall be in keeping with modern and progressive forest practices and more effective fire control and may include but are not limited to the taking of protective measures to prevent injury or the destruction of forest resources without actual abatement of the hazard.

28-410. CONTRACTS WITH OWNERS OF FOREST LANDS. The department may, in such form and containing such conditions as it prescribes, enter into agreements with the owners of any forest lands or any operator engaged in operations on lands within the state whereby slash is created, UNDER THE contract the department may assume all responsibility for the reduction or management of any fire hazard. The department may provide in the agreement the amount to be paid by the owner or operator to the department by reason of its agreement to assume the reduction or management of the fire hazard, but the amount may not exceed five dollars (\$5) for each one thousand (1000) feet log scale, or the equivalent thereof if forest products other than logs are cut.

28-411. METHODS OF REDUCING HAZARDS--CONTRACTS WITH FOREST PROTECTIVE AGENCIES. The reduction or management of such fire hazards shall be carried on by the department and the state firewardens in keeping with modern and progressive forest practices and more effective fire control and the department is hereby authorized to enter into contracts with forest protective agencies, including agencies of the United States of America, for the reduction or management of such fire hazards when in its opinion the work can best be accomplished in that manner. The department, state firewardens, and recognized forest protective agencies, including any agency of the United States of America, with which the department has entered into an agreement for the reduction or management of any fire hazard as herein provided, and any officer or official of such agency, shall not be liable for any damage to the land, product, improvement, or other things of value of whatsoever nature upon the lands on which the fire hazards are being managed or reduced in accordance with provisions of sections 28-408 to 28-412, when all requisite care and caution has been used and such work is being or has been performed in compliance with the rules provided in section 28-408.

28-412. CERTIFICATION OF CLEARANCE. A person who has entered into a contract with the department for the reduction or management of any fire hazard, upon payment of the contract price in accordance with the terms of the contract and the full compliance with the terms of the contract by the person, shall be granted a certification of clearance by the department and the relieved of any and all further liability and responsibility for the removal or reduction of the fire hazard; however, the department may require that a cash bond, equivalent to the contract price, and conditioned upon the faithful performance of the contract, be deposited by the person with the department.

28-413. VIOLATIONS. A person convicted of violating this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000).

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MONTANA FIRE HAZARD REDUCTION OR MANAGEMENT LAW

Section 28-403.1 through 28-408, 28-410 through 28-413, Revised Codes of Montana, 1947

28.403.1 DEFINITIONS. As used in this chapter: (1) "Department" means the department of natural resources and conservation, provided for in Title 82A, chapter 15. (2) "Board" means the board of natural resources and conservation, provided for in section 82A-1509. (3) "Person" means an individual, association, partnership, corporation, estate, or any other entity.

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28-413. VIOLATIONS. A person convicted of violating this chapter is guilty of a misdemeanor and shall be fined not less than one hundred dollars (\$100) nor more than one thousand dollars (\$1000).

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